ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts

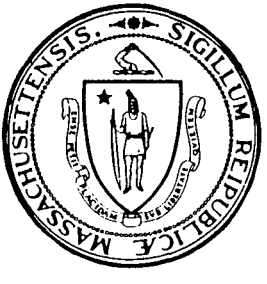
IN THE YEAR

1988

PUBLISHED BY

Michael Joseph Connolly

SECRETARY OF STATE



The General Court, which was chosen November 7, 1986, assembled on Wednesday the sixth day of January 1988 for the second annual session.

His Excellency Michael S. Dukakis and Her Honor Evelyn F. Murphy continued to serve as Governor and Lieutenant Governor respectively for the political year of 1988.

Chapter 1. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-EIGHT TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

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

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

SECTION 2.

EXECUTIVE.

Governor.

Item

0411-1160 For the expenses of the special advisory panel established pursuant to section four of this act $80,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

DEPARTMENT OF CORRECTION.

4311-0004 For a health service program; provided, however, that not less than five million, one hundred forty thousand dollars shall be obligated for mental health services for inmates, including MCI at 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; and provided, further, that the department shall submit a report to the house and senate committees on ways and means concerning programmatic improvements and expenditures at Bridgewater State Hospital, by March first, nineteen hundred and eighty-eight, including not more than two

hundred and seventy-three positions $1,562,500

4349-0001 For the administration and operation of the commonwealth's correctional facilities; provided, however, 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 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 expenditures of such funds; including not more than three thousand seven hundred and sixty-nine positions $522,416

4349-0030	For Massachusetts Correctional Institution - Bridgewater State Hospital to provide audio-visual equipment in accordance with the provisions of section six of this act to monitor patients who are in seclusion and restraint pursuant to section twenty-one of chapter one hundred and twenty-three of the General Laws	$300,000

DEPARTMENT OF MENTAL HEALTH.

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 twenty-two positions	$468,324

SECTION 3. As used in this section, the following words, unless the context clearly indicates otherwise, shall have the following meanings:

"Modular building", a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities, or any portable structure with walls, a floor, and a roof, designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation.

"Procurement", buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

The deputy commissioner of the division of capital planning and operations is hereby authorized to procure, in accordance with the provisions of this section, modular buildings to serve the population identified in section five of this act for the purpose of relieving overcrowding at Bridgewater state hospital.

The provisions of sections forty-four A, forty-four B, and forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to contracts procured pursuant to this section. The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws shall not apply to the design of a modular building procured pursuant to this section.

Every proposal shall be accompanied by either (1) a copy of a certificate of eligibility issued by the deputy commissioner as described in section forty-four D of said chapter one hundred and forty-nine for the fabrication of modular buildings, together with an update statement,

or (2) a prequalification statement containing such information as the deputy commissioner shall prescribe. If the deputy commissioner determines that any offeror is not responsible or eligible, the deputy commissioner shall reject such offeror in writing.

A contract awarded pursuant to this section which is for an amount or estimated amount greater than one hundred thousand dollars shall be deemed a contract subject to the provisions of section thirty-nine R of chapter thirty of the General Laws, and a contractor awarded such contract shall be deemed a contractor subject to the provisions of said section thirty-nine R.

The deputy commissioner shall procure modular buildings as authorized by this section utilizing competitive sealed proposals.

The deputy commissioner shall solicit proposals through a request for proposals. The request for proposals shall include:

(1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the commonwealth;

(2) the purchase description and all evaluation criteria that will be utilized; and

(3) all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain such documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The deputy commissioner shall make copies of the request for proposals available to all persons on an equal basis.

Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the state secretary, and in such other newspapers and trade periodicals as the deputy commissioner customarily utilizes for the advertisement of construction contracts.

The deputy commissioner shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provision of section seven of chapter four of the General Laws, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the deputy commissioner shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The deputy commissioner may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the

individuals evaluating the proposals on the basis of criteria other than price.

The deputy commissioner shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing:

(1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for the rating;

(2) a composite rating for each proposal, and the reasons for the rating; and

(3) revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The deputy commissioner shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the commonwealth or fair competition. The deputy commissioner shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the deputy commissioner shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The deputy commissioner may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

The deputy commissioner shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The deputy commissioner shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The deputy commissioner may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract.

If the deputy commissioner awards the contract to an offeror who did not submit the lowest price, the deputy commissioner shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the commonwealth's actual needs or that the anticipated

performance of the selected offeror justifies the additional cost.

Prior to execution of a contract pursuant to this section, the selected offeror shall furnish to the deputy commissioner a performance bond satisfactory to the deputy commissioner in the sum of fifty per cent of the contract price.

Funds for the purposes of this section shall be expended from line items 5011-8875, 5011-8876, 5011-8877, 5011-8878, 5011-8879, 5011-9873, 5095-8870, 5095-8871, 5095-8872, 5095-8873, 5095-8874, 5095-8875, 5095-8876, 5095-8877, 5095-8878 of section two of chapter one hundred and sixty-seven of the acts of nineteen hundred and eighty-seven.

SECTION 4. There is hereby established a special advisory panel on the organization and structure of the commonwealth's forensic mental health system and on the appropriate evaluation and treatment of mentally ill offenders and mentally ill men and women who are in need of care in a medium or strict secure setting.

Said panel shall consist of the secretary of the executive office of human services, the commissioner of the department of correction, the commissioner of the department of mental health, a justice of the trial court to be appointed by the chief administrative justice of the trial court, and six persons to be appointed by the governor including an advocate for the needs of mentally ill men and women, and five experts, one of whom shall be a professional in the field of forensic mental health having national and substantial experience in said field, one of whom shall be a forensic psychiatrist or psychologist, one of whom shall be a criminologist, one of whom shall be an attorney, one of whom shall be an expert in the field of criminal justice management. The governor shall appoint the chairman from the panel of experts.

Said panel shall identify, examine and evaluate the existing organizational and management structure, purpose, and population of each of the five institutions forming the Bridgewater complex, and shall review the laws, programs, policies, and procedures which govern the referral and admission to, and discharge from each institution, the use of seclusion and restraint at Bridgewater state hospital, and shall assess the delivery of mental health services to each identified population.

The panel shall make specific findings and recommendations with regard to the appropriate management and treatment of each identified population, including the allocation of responsibility for the care of said populations among the several state agencies; the development of a statewide forensic mental health policy which meets the needs of both men and women, provides a continuum of services and treatment and examines components within the department of mental health, the department of corrections, the court system, and the county houses of correction, including recommendations on the use of court clinics; the resources necessary for effective service delivery; and the need for capital improvements to the complex.

In formulating its recommendations, the panel shall address the function of the addiction center and its appropriateness as a correctional

facility; the commonwealth's policies relative to the evaluation, disposition, treatment, and release of persons who are found not guilty of a crime by reason of mental illness or defect, with an analysis of the need for post-release monitoring or conditional release of such persons, including the feasibility of establishing a psychiatric review board; the role of the southeastern correctional center; the care and treatment of mentally ill women within the mental health and correctional systems; the need for accreditation of the state hospital; the efficacy and relevance of the categorization and commitment of so-called sexually dangerous persons and alternatives, if any, to the current system.

Said panel may travel out-of-state and may employ such staff, experts, and consultants, subject to the approval of the chairman, as deemed necessary. Said panel shall be guided by nationally recognized models and standards which utilize state-of-the-art methodologies for the provision of mental health services in secure settings. Said panel may expend appropriated funds for travel, printing, and such other expenses as are necessary and shall be reimbursed for its necessary and reasonable expenses.

Said panel shall file an interim report with the governor and with the committees on ways and means of the house of representatives and the senate, the joint committee on human services and elderly affairs and the joint committee on criminal justice on the results of its review of each matter enumerated herein and its recommendations concerning each such matter, on or before March thirty-first, nineteen hundred and eighty-eight. Said report shall identify any budgetary, administrative or capital resources or statutory changes necessary to implement its recommendations. The governor shall file if he deems necessary a special legislative message requesting any amendments to the commonwealth's fiscal year nineteen hundred and eighty-nine appropriation based upon review of said report. The final report of said panel shall be filed with the governor and with the above named committees no later than July first, nineteen hundred and eighty-eight.

SECTION 5. The commissioner of mental health shall prepare and file with the house and senate committees on ways and means a report setting forth a plan to (a) by March thirty-first, nineteen hundred and eighty-nine, cease the transfer to Bridgewater state hospital of mentally ill persons within the care and custody of the department of mental health who neither are serving a criminal sentence nor have a criminal charge pending against them nor are awaiting sentencing, except for persons found not guilty by reason of mental illness or mental defect, and (b) by March thirty-first, nineteen hundred and eighty-nine, accept at department of mental health facilities by way of transfer from Bridgewater state hospital all patients at Bridgewater who were transferred from such mental health facilities prior to that date and who neither are serving a criminal sentence nor have criminal charges pending against them nor are awaiting sentencing, except for persons found not guilty by reason of mental illness or mental defect.

The commissioner shall file said report no later than March first,

nineteen hundred and eighty-eight. The commissioner shall include any recommendations deemed necessary for the implementation of said plan including any recommendations for changes in chapter one hundred and twenty-three of the General Laws. Said plan shall be fully implemented by the commissioner of mental health, and the commissioner of corrections shall transfer patients in accordance with said plan; provided, however, that said chapter one hundred and twenty-three is amended such that the department of correction is not obligated thereby to accept such patients at the Bridgewater state hospital and such that the department of mental health is so obligated.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, no person at Bridgewater state hospital shall be kept in seclusion without mechanical restraint without a person in attendance specially trained to understand, assist and afford therapy to the person in seclusion unless the person in seclusion is monitored through the use of electronic audio-visual equipment. Compliance with the aforesaid shall be deemed to meet the monitoring and attendance requirements for patients in seclusion at Bridgewater state hospital as provided in section twenty-one of chapter one hundred and twenty-three of the General Laws. Prior to the use of audio-visual equipment to monitor patients in seclusion, the department of correction shall submit a report to the house and senate committees on ways and means and to the joint committee on human services and elderly affairs. Said report shall include (1) a plan for the use of specially trained observers in combination with audio-visual equipment, including the availability to the patient of such observers; (2) minimum training requirements for those persons who will observe patients through an audio-visual monitor; (3) a plan to ensure the appropriate ratio of monitors to monitoring equipment; and (4) the feasibility of adapting the hospital to such use.

In emergency situations where audio-visual equipment which has been installed to monitor patients in seclusion is not available, an adult may be kept in seclusion without being monitored for a period not to exceed two hours. In that event, the person kept in seclusion shall be observed at least every five minutes. Further, the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the audio-visual equipment was not available.

SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, any mentally ill person who is found to be not guilty by reason of mental illness or mental defect or defendants who are found to be incompetent to stand trial shall be evaluated by the department of mental health which shall provide a recommendation as to the most appropriate secure treatment facility for such individual prior to the disposition of their case.

SECTION 8. The secretary of the executive office of human services, in consultation with the commissioners of the department of mental health and the department of correction, is hereby directed to submit a

report to the house and senate committees on ways and means and the joint committee on human services and elderly affairs by January thirty-first, nineteen hundred and eighty-eight on the legal and civil rights of patients at Bridgewater state hospital. Such report shall include, but shall not be limited to, an analysis of the legal and civil rights of patient populations who are currently residing in facilities of the department of mental health and the legal and civil rights of patients who are currently at Bridgewater state hospital.

SECTION 9. Section 33 of chapter 199 of the acts of 1987 is hereby amended by striking out the twenty-fourth paragraph and inserting in place thereof the following paragraph:-

EOHS - DEPARTMENT OF CORRECTION

The department of correction may expend revenues in an amount not to exceed ten 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.

SECTION 10. Section 12 of chapter 123 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) Any person may make application to a district court justice for a ten day commitment to a facility of a mentally ill person whom the failure to confine would cause a likelihood of serious harm. After hearing such evidence as he may consider sufficient, a district court justice may issue a warrant for the apprehension and appearance before him of the alleged mentally ill person, if in his judgement the condition or conduct of such person makes such action necessary or proper. Following apprehension, the court shall have the person examined by a physician designated to have the authority to admit to a facility or examined by a qualified psychologist in accordance with the regulations of the department. If said physician or qualified psychologist reports that the failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness, the court may order the person committed to a facility for a period not to exceed ten days, but the superintendent may discharge him at any time within the ten day period.

SECTION 11. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of correction shall have the sole authority to name or rename the Massachusetts correctional facility situated in the town of Shirley.

SECTION 12. This act shall take effect upon its passage.

Approved January 12, 1988.

Chapter 2. 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 Christopher J. Hodgkins, as he is a state representative from the fourth Berkshire district, in the town of Monterey on January thirtieth, nineteen hundred and eighty-eight between Annika Falkenstrom and Jed Peter Lipsky, both of the town of Monterey, and the state secretary shall issue to said Christopher J. Hodgkins in his capacity as aforesaid a certificate of such authorization.

Approved January 28, 1988.

Chapter 3. AN ACT RELATIVE TO TOWN MEETING MEMBERSHIP IN THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 26 of the acts of 1927, as most recently amended by section 2 of chapter 694 of the acts of 1987, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The registered voters in each precinct shall not sooner than forty-five 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.

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

Approved February 2, 1988.

Chapter 4. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the issuance of bonds and notes to carry out the purposes of various acts passed during the regular annual legislative session in 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 five of chapter three hundred and seven of the acts of nineteen hundred and eighty-seven providing for a grant to the Massachusetts Water Resources Authority for the improvement of the Clinton wastewater treatment plant 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 January sixth, nineteen hundred and eighty-eight 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 six of chapter three hundred and seven of the acts of nineteen hundred and eighty-seven providing for a grant to the Massachusetts Water Resources Authority for the improvement of the Clinton Wastewater treatment plant 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 January sixth, nineteen hundred and eighty-eight in pursuance of Section 3 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 eleven of chapter four hundred and seventy-eight of the acts of nineteen hundred and eighty-seven providing for the improvement of public libraries 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 January sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section ten of chapter four hundred and seventy-eight of the acts of nineteen hundred and eighty-seven providing for the improvement of public libraries 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 January sixth, nineteen hundred and eighty-eight 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 notes which the state treasurer is authorized to issue under section forty-three of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven providing for an environmental enhancement and protection 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 January sixth, nineteen hundred and eighty-eight 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 section forty-four of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven providing for an environmental enhancement and protection 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 January sixth, nineteen hundred and eighty-eight 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 twenty-nine of chapter five hundred and eight-four of the acts of nineteen hundred and eighty-seven providing for the management of solid waste and the abatement of pollution resulting therefrom 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 January sixth, nineteen hundred and eighty-eight 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

twenty-seven of chapter five hundred and eighty-four of the acts of nineteen hundred and eighty-seven providing for the management of solid waste and the abatement of pollution resulting therefrom 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 January sixth, nineteen hundred and eighty-eight 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 twenty eight of chapter five hundred and eighty-four of the acts of nineteen hundred and eighty-seven providing for the management of solid waste and the abatement of pollution resulting therefrom 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 January sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved February 5, 1988.

Chapter 5. AN ACT PROVIDING FOR NONPARTISAN PRELIMINARY ELECTIONS IN THE TOWN OF LONGMEADOW.

Be it enacted, etc., as follows:

SECTION 1. Any person who is qualified to vote for town officers in the town of Longmeadow may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided, however, that he files nomination papers provided by the town clerk containing no less than fifty signatures certified as voters of the town.

SECTION 2. The preliminary election shall be held on the twenty-eighth day preceding every regular or special town election.

SECTION 3. No primary or caucus for the nomination of town officers shall be held. No ballot used at any preliminary, regular or special election in said town shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political designation or mark.

SECTION 4. Nomination papers shall be filed with the town clerk not later than five o'clock in the afternoon of the twenty-eight day preceding the preliminary election. Every nomination paper shall be

submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the clerk.

SECTION 5. The election officers shall, immediately upon the closing of the polls at the preliminary election, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the town clerk who shall canvass said returns and shall forthwith determine the result thereof.

SECTION 6. The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such regular or special election the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for the nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon names of candidates to a number exceeding twice the number to be elected.

SECTION 7. If at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election not more than twice as many such papers have been filed with the town clerk for an office as there are persons to be elected to such office the candidate whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the town clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in the town, no preliminary election shall be held.

SECTION 8. Except as otherwise provided in this act, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Longmeadow.

SECTION 9. This act shall be submitted to the voters of the town of Longmeadow in the form of the following question which shall be placed on the ballot for the town election to be held in the year nineteen hundred and eighty-eight:

"Shall an act passed by the general court in the year nineteen hundred and eighty-eight, entitled 'An Act providing for nonpartisan preliminary elections in the town of Longmeadow' be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

SECTION 10. This act shall take effect upon its passage.

Approved February 5, 1988.

Chapter 6. AN ACT DESIGNATING THE FIELD HEADQUARTERS OF THE DIVISION OF FISHERIES AND WILDLIFE AT THE LYMAN SCHOOL FOR BOYS IN THE TOWN OF WESTBOROUGH AS THE RICHARD CRONIN BUILDING.

Be it enacted, etc., as follows:

The field headquarters, so-called, of the division of fisheries and wildlife, located on the grounds of the former Lyman School for Boys in the town of Westborough shall be designated and known as the Richard Cronin Building. A suitable marker bearing such designation shall be attached at the entrance thereof by the department of fisheries, wildlife and environmental law enforcement.

Approved February 18, 1988.

Chapter 7. AN ACT MAKING CORRECTIVE CHANGES TO THE LAW RELATIVE TO TEACHER ENHANCEMENT.

Be it enacted, etc., as follows:

SECTION 1. The thirty-fourth paragraph of section 1G of chapter 15 of the General Laws is hereby amended by striking out the third sentence, as amended by section 1 of chapter 727 of the acts of 1987, 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-eight 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 is hereby amended by striking out the last paragraph, added by section 2 of said chapter 727, and inserting in place thereof the following paragraph:-

Beginning on July first, nineteen hundred and eighty-eight, 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. Section 40 of chapter 71 of the General Laws is hereby amended by striking out the last paragraph, added by section 11 of said chapter 727, and inserting in place thereof 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 and for each teacher hired after June thirtieth, nineteen hundred and eighty-seven whose salary was below that level at any time between July first, nineteen hundred and eighty-seven and June thirtieth, nineteen hundred and eighty-nine.

EMERGENCY LETTER: March 10, 1988 @ 12:52 PM
Approved March 10, 1988.

Chapter 8. **AN ACT ASSISTING THE CITY OF NORTH ADAMS IN THE DEVELOPMENT OF THE MASSACHUSETTS MUSEUM OF CONTEMPORARY ART.**

Be it enacted, etc., as follows:

SECTION 1. The secretary of administration and finance, hereinafter referred to as the secretary, is hereby authorized to make grants to the city of North Adams, hereinafter referred to as the city, in a total amount not to exceed thirty-five million dollars to acquire land, including buildings thereon, and to construct, reconstruct, rehabilitate, finish, or expand facilities to be used as a Massachusetts museum of contemporary art and facilities related thereto, hereinafter referred to as the "Project". Such funds shall be granted by the secretary in one or more grants upon his approval of grant applications submitted by the city

of North Adams containing any information concerning the Project that the secretary shall require. Said grants in total shall not exceed seventy per cent of the total cost of the Project. No state funds shall be used for the operational costs of the facility. The city shall not sell or divest itself of the Project, other than those portions which are designated for private development in the study and program certified by the deputy commissioner of capital planning and operations, and those portions which were not constructed, reconstructed, rehabilitated, finished or expanded with state funds, without refunding to the commonwealth an amount equal to monies actually granted under the provisions of this act.

SECTION 2. The secretary shall not grant any funds pursuant to this act, and the city shall not expend any grant funds, other than for the preparation of programs, feasibility studies, surveys, soil tests, or cost estimates, until the city has completed a study and program for the Project. Said study and program shall include an estimate of the operating costs of the Project for the first five years of operation and the sources of revenue to meet such costs. Said study and program shall also include an analysis by the office of transportation and construction based on projected needs as a result of the Project for infrastructure improvements, additional airport facilities, and general transportation accessibility to the city and the completed Project. Any recommended improvements as a result thereof shall be subject to the provisions of chapter eighty of the General Laws. Other than as necessary for such study and program, no provider of design services shall be selected, nor shall any design services be performed, unless and until said study and program have been completed and certified as follows: (1) the city shall certify to the deputy commissioner of capital planning and operations that the study and program correspond to the needs of the Project; and (2) the deputy commissioner of capital planning and operations shall certify to the secretary that the study and program reflect said needs, that the study and program provide an accurate estimate of the Project requirements, costs, and schedule, and that the Project can be accomplished within the proposed cost for such Project specified in the grant application and without substantial deviation from the study and program.

The secretary shall not grant any funds pursuant to this act and the city shall not expend any grant funds, for the construction of the Project unless the deputy commissioner certifies that the construction work can be accomplished within the proposed cost for such Project specified in the grant application and without substantial deviation from the study and the program. The city may create, by vote of the city council and with approval of the mayor, a commission to act on behalf of the city in carrying out the purposes of this act.

Such commission, if created, is hereby empowered to take all actions appropriate to the purposes of this act including, without limitation, contracting, the employment of personnel, consultants and managers and the acquisition and disposition of all forms of property and interests therein.

Monies deposited in the name of the commission's name may be expended by the treasurer of the commission as authorized by a majority vote of the commission and without further appropriation; provided that all such monies shall be used solely for the purposes of paying for the cost of the Project under the provisions of this act.

SECTION 2A. Any purchase and sale agreement involving the expenditure of state funds shall include a provision that the state, at its expense, shall undertake an inspection of said premises for the presence of any hazardous materials, as defined in chapter twenty-one E or chapter ninety-four B of the General Laws. Said provision shall require the property owner at its sole expense to clean up or remove any such hazardous materials, as defined in and in accordance with said chapter twenty-one E or chapter ninety-four B, found during the inspection period that shall run for not more than six months from the date of signing said purchase and sale agreement.

SECTION 3. The city may by vote of the city council and with the approval of the mayor, or by vote of the commission established pursuant to section one, may delegate to the government land bank established by chapter two hundred and twelve of the acts of nineteen hundred and seventy-five the authority to act on its or their behalf in connection with the Project, whereupon said government land bank shall have and may exercise all of the powers which the city or the commission could have exercised directly in connection with the Project.

SECTION 3A. The division of capital planning and operations is hereby authorized to enter into a memorandum of agreement with the city pursuant to which said division shall exercise supervision over the Project; provided, however, that if said division and the city enter into such memorandum of agreement, the monies provided by the secretary of administration as financial assistance for the Project and the contribution from the city shall be received and administered by said division.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section one, the state treasurer shall, upon request of the secretary of administration, with the approval 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, Massachusetts Museum of Contemporary Art Loan, Act of 1988, 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.

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 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 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.

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 6. This act shall take effect upon its passage.

Approved March 22, 1988.

Chapter 9. AN ACT AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF LAWRENCE AND THE TOWN OF ANDOVER FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF A COLLABORATIVE SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Lawrence and the school committee of the town of Andover are hereby authorized to enter into an agreement for the establishment, operation and maintenance of a collaborative school. Such agreement may contain provisions concerning the powers, duties and composition of a collaborative school committee, the election or appointment of officers by such committee, including a treasurer who may but need not be the treasurer of a member municipality of the collaborative, the nature of the educational programs to be offered by the collaborative school, including special classes and programs to be paid for on a tuition basis, the formulation and approval of capital and operating budgets for the collaborative school and the apportionment and payment of the capital and operating costs included therein, the incurring of debt on behalf of the collaborative school to finance capital costs, the assignment of personnel to the collaborative school, and the amendment from time to time of the agreement, including amendments for the purpose of admitting new member municipalities to the collaborative. Such agreement may also contain such other provisions as may be necessary or appropriate from time to time for the operation of the collaborative school.

SECTION 2. The agreement authorized in section one shall take effect upon approval by the commissioner of education and by majority vote at a town meeting in the town of Andover and by majority vote of

the city council in the city of Lawrence.

SECTION 3. Student enrollment at the collaborative school shall be voluntary. The school committee of the collaborative school, the commonwealth, or any city or town which is a member of the collaborative school shall not assign a student to the collaborative school without the express consent of a parent or guardian of such student.

SECTION 4. The land and the buildings and improvements thereon comprising the collaborative school shall be owned by the city of Lawrence and the town of Andover and, upon the admission of new members to the collaborative, by said city and town and by such newmembers, as joint tenants.

SECTION 5. State financial assistance provided by chapter seventy-one of the General Laws shall be calculated and paid to the treasurer of the collaborative school as if the collaborative school were a regional school district. In addition, financial assistance provided by chapter seventy of the General Laws shall be calculated and paid to the treasurer of the collaborative school based upon a school aid percentage which shall be equal to the school aid percentage for the city of Lawrence as determined in accordance with said chapter seventy.

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

Approved March 23, 1988.

Chapter 10. AN ACT RELATIVE TO THE ELECTION OF REGIONAL DISTRICT SCHOOL COMMITTEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the election of regional district school committees, 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 1 of chapter 50 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "officer", in line 101, the words:- or a regional district school committee member elected district-wide.

SECTION 2. Section 2 of chapter 53 of the General Laws, as so appearing, is hereby amended by inserting after the word "provides", in lines 2 and 3, the words:- and in the case of nominations to regional district school committees elected district-wide.

SECTION 3. Section 6 of said chapter 53, as so appearing, is hereby

amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Nominations of candidates for offices to be filled at a city or town election, except where city charters or general or special laws provide otherwise and nominations of candidates for the office of regional district school committee members elected district-wide, may be made by like nomination papers, signed in the aggregate by not less than such number of voters as will equal one per cent of the entire vote cast for governor at the preceding biennial state election in the electoral district or division for which the officers are to be elected, but in no event by less than twenty voters in the case of an office to be filled at a town election or election to a regional district school committee elected district-wide; provided, however, that no more than fifty signatures of voters shall be required on nomination papers for such town office or regional district school committee elected district-wide.

SECTION 4. Section 8 of said chapter 53, as so appearing, is hereby amended by inserting after the word "elections", in line 5, the words:- and elections for the office of regional school committee member elected district-wide.

SECTION 5. Said section 8 of said chapter 53, as so appearing, is hereby further amended by inserting after the words "town offices", in line 37, the words:- and the office of regional district school committee member elected district-wide.

SECTION 6. Said chapter 53 is hereby further amended by adding the following section:-

Section 122. The following provisions shall apply to regional school district-wide elections:

(a) Any person who is a resident of a member community and is a registered voter in the community in which he resides shall be entitled to have his name printed on the ballot to be used in the district-wide election if he shall file with the district clerk nomination papers signed by the number of voters as provided in section six who are registered and qualified to vote in the regional school district in which he resides.

(b) The state secretary shall supply candidates with a certificate of nomination and nomination papers through the district clerk.

(c) Other provisions of this chapter and chapters fifty-four and fifty-six relative to state elections shall apply to regional school district elections.

(d) Every nomination paper of a candidate shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the twenty-eighth day preceding the day on which it must be filed with the district clerk. Nomination papers shall be filed by the candidate with the district clerk on or before the eleventh Tuesday preceding the day of election. The district clerk shall certify a correct list of candidates to the state secretary on or before the tenth Tuesday preceding the day of election. If the state secretary does not receive said certified list of candidates, on or before

said date, the names of candidates for the regional district school committee shall not be printed on the ballot. The district clerk shall receive the election results from the city and town clerks, tabulate the results and certify the winners.

SECTION 7. Section 42 of chapter 54 of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

The names and addresses of the candidates for regional district school committees elected district-wide at state elections who are elected incumbents shall be placed first on the ballot in alphabetical order according to their surnames; and the names and addresses of all other such candidates shall follow in like order. No political or other designation shall appear on the ballot. There shall be printed such directions as shall instruct the voter to vote for the appropriate number of candidates from each community. If the state secretary cannot accommodate all the names on the ballot in a particular community, he may in his discretion print a separate paper ballot for candidates for regional district school committees.

SECTION 8. Said chapter 54 is hereby further amended by adding the following section:-

Section 162. At the biennial state elections, members of regional district school committees elected at district-wide elections shall be chosen by the voters in each such district. The length of such terms of office shall be determined by the regional school districts; provided, however; that such terms shall not exceed four years.

SECTION 9. Section 24 of chapter 55 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "involved", in line 5, the words:- and if the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election for the office of regional district school committee member elected district-wide, the statement shall be filed with the clerk of the city or town where the candidate is a registered voter.

SECTION 10. Chapter 71 of the General Laws is hereby amended by inserting after section 14D the following section:-

Section 14E. A regional school district may, by amendment to its regional school district agreement, provide for one of the following options concerning the members of its regional district school committee: (1) electing committee members by voters in member communities with each community's representation apportioned according to population; (2) electing members in district-wide elections to be held at the biennial state elections; (3) electing members with residency requirements in district-wide elections to be held at the biennial state elections; (4) weighing the votes of committee members according to the population they represent; and (5) appointing committee members by locally elected officials such as school board members. Each

regional school district shall designate an individual to serve as district clerk.

If a regional school district decides to elect members in district-wide elections to be held at the biennial state elections or if any vacancy is to be so filled, the district clerk shall notify the state secretary by April fifteenth of the year of the biennial state election of that fact and also of his name and mailing address.

SECTION 11. Section 1 of chapter 268B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "congress", in line 131, the words:- and the office of regional district school committee member elected district-wide.

SECTION 12. The commonwealth shall, subject to appropriation, reimburse the towns of East Bridgewater, Easton, Foxborough, Mansfield, Norton, Sharon, Stoughton, and West Bridgewater for the additional costs incurred as a result of the regional district election held in November, nineteen hundred and eighty-seven.

Approved March 29, 1988.

Chapter 11. AN ACT DIVIDING THE COMMONWEALTH INTO ONE HUNDRED AND SIXTY STATE REPRESENTATIVE DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. The seventh paragraph of section 34 of chapter 53 of the General Laws, as amended by section 18 of chapter 465 of the acts of 1987, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- A candidate for nomination to the same office in a precinct, ward or district which contains any portion of the territory which he was elected to represent at the last preceding municipal or state election for that office shall be considered an elected incumbent within the meaning of this section.

SECTION 2. The third paragraph of section 41 of chapter 54 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:- A candidate for election to the same office in a precinct, ward or district which contains any portion of the territory which he was elected to represent at the last preceding municipal or state election for that office shall be considered an elected incumbent within the meaning of this section.

SECTION 3. The second paragraph of section 42 of said chapter 54, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A candidate for election to the same office in a precinct, ward or district which contains

any portion of the territory which he was elected to represent at the last preceding municipal or state election for that office shall be considered an elected incumbent within the meaning of this section.

SECTION 4. Section 4 of chapter 57 of the General Laws is hereby amended by striking out section 4, as most recently amended by section 2 of chapter 715 of the acts of 1987, 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, Dukes and Nantucket

First Barnstable. - Consisting of the town of Brewster, precincts one, two, four and five, of the town of Dennis, and the town of Yarmouth, all in the county of Barnstable.

Second Barnstable. - Consisting of the town of Barnstable and precinct two, of the town of Sandwich, both in the county of Barnstable.

Third Barnstable. - Consisting of the town of Bourne, precincts four and seven, of the town of Falmouth, the town of Mashpee, and precincts one, three and four, of the town of Sandwich, all in the county of Barnstable.

Fourth Barnstable. - Consisting of the town of Chatham, precinct three, of the town of Dennis, and the towns of Eastham, Harwich, Orleans, Provincetown, Truro and Wellfleet, all in the county of Barnstable.

Barnstable, Dukes and Nantucket. - Consisting of precincts one, two, three, five and six, of the town of Falmouth, in the county of Barnstable; the towns of Chilmark, Edgartown, Gay Head, Gosnold, Oak Bluffs, Tisbury and West Tisbury, all in the county of Dukes County; and the town of Nantucket, in the county of Nantucket.

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; and the towns of Hawley, Monroe and Rowe, all in the county of Franklin.

Second Berkshire. - Consisting of the towns of Dalton, Hancock, Lanesborough, New Ashford, Richmond and Williamstown, and all precincts of wards one and two, of the city of Pittsfield, all in the county of Berkshire.

Third Berkshire. - Consisting of all precincts of wards three, four, five, six, and 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, Sandisfield, Sheffield, Stockbridge,

Tyringham, Washington and West Stockbridge, all in the county of Berkshire.

Bristol

First Bristol. - Consisting of precincts one, two and five, of the town of Easton, and the town of Mansfield, all in the county of Bristol; and precincts one, two and five, of the town of Foxborough, and precinct four, of the town of Stoughton, all in the county of Norfolk.

Second Bristol. - Consisting of the city of Attleboro, and precinct one, of the town of Seekonk, both in the county of Bristol.

Third Bristol. - Consisting of all precincts of wards one, two, three, four, five, seven and eight, of the city of Taunton, in the county of Bristol.

Fourth Bristol. - Consisting of the towns of Norton and Rehoboth, precincts two, three and four, of the town of Seekonk, and precincts one and four, of the town of Swansea, all in the county of Bristol.

Fifth Bristol. - Consisting of the towns of Dighton and Somerset, precincts two and three, of the town of Swansea, and all precincts of ward six, of the city of Taunton, all in the county of Bristol.

Sixth Bristol. - Consisting of precinct B of ward two, precincts A and C of ward four, precincts A, C and D of ward seven, precincts B, C and D of ward eight, and all precincts of ward nine, of the city of Fall River, in the county of Bristol.

Seventh Bristol. - Consisting of all precincts of ward one, precincts A and C of ward two, all precincts of ward three, precinct B of ward four, and precinct A of ward five, of the city of Fall River, in the county of Bristol.

Eighth Bristol. - Consisting of precincts B and C of ward five, all precincts of ward six, precinct B of ward seven, and precinct A of ward eight, 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 and four, of the town of Foxborough, the town of Plainville, and precinct one, of the town of Wrentham, 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 precincts two, three, four and five 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 and two, precinct one of ward three, and all precincts of ward 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 precinct four of ward three, of the city of Lynn, and 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; and precinct two of ward eight, of the city of Malden, in the county of Middlesex.

Tenth Essex. - Consisting of precinct four of ward one, all precincts of ward two, precincts one, two and three of ward three, all precincts of ward four and precinct four of ward five, of the city of Lynn, in the county of Essex.

Eleventh Essex. - Consisting of precincts one, two and three of ward five, and all precincts of wards 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 of wards one, two, three, four, and precincts one and three of ward five, of the city of Peabody, in the county of Essex.

Thirteenth Essex. - Consisting of the town of Danvers, precinct two of ward five, and all precincts of ward six, of the city of Peabody, all in the county of Essex.

Fourteenth Essex. - Consisting of precincts four and five of ward E, and precincts one, two, three and four of ward F, of the city of Lawrence, and the towns of Middleton and 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, precincts one, two and three of ward E, and precinct five of ward F, 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, Heath, Montague, 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 and Palmer, 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, and precinct B of ward six, of the city of Springfield, all in the county of Hampden.

Third Hampden. - Consisting of the towns of Agawam, Blandford, Chester, Granville, Russell, Southwick and Tolland, all in the county of Hampden.

Fourth Hampden. - Consisting of the town of Montgomery and the city of Westfield, both in the county of Hampden.

Fifth Hampden. - Consisting of all precincts of wards one, three, four, five, six and seven, of the city of Holyoke, in the county of Hampden.

Sixth Hampden. - Consisting of precinct A of ward seven, of the city of Chicopee, 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 precinct B of ward four, and all precincts of wards five and six, of the city of Chicopee, and the town of Ludlow, 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, precincts A and C of ward four, precinct B of ward seven, and all precincts of wards 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, 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, precinct E of ward seven, 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, and 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, F, G and H of ward seven, of the city of Springfield, and the towns of Monson, Wales 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 precinct one, of the town of Ayer, the towns of Dunstable, Groton and Pepperell, precincts two and three, of the town of Townsend, and the town of Tyngsborough, all in the county of Middlesex; and precincts A and C, of the town of Lunenburg, in the county of Worcester.

Second Middlesex. - Consisting of precinct two, of the town of Ayer, and the towns of Littleton 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, Shirley and Stow, all in the county of Middlesex; and the town of Bolton and precinct one, of the town of 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 towns of Holliston and Hopkinton, both in the county of Middlesex; precincts one and two of the town of Medway, in the county of Norfolk; and the towns of Southborough and Upton, both in the county of Worcester.

Ninth Middlesex. - Consisting of all precincts of wards one, two, three, four and seven, of the city of Waltham, and precinct two, of the town of Weston, all in the county of Middlesex.

Tenth Middlesex. - Consisting of precinct four of ward one, precinct

one of ward two, and precincts three and four of ward three, of the city of Newton, and all precincts of wards five, six, 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, precincts two and three of ward two, precinct one 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 precincts one and two of ward three, all precincts of wards four and five, precincts two, three and four 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 town of Chelmsford, and precincts two and three of ward six, of the city of Lowell, all in the county of Middlesex.

Seventeenth Middlesex. - Consisting of the town of Dracut, and precincts two and three of ward five, and all precincts of ward nine, of the city of Lowell, all in the county of Middlesex.

Eighteenth Middlesex. - Consisting of precincts two and three of ward one, precincts two and three of ward four, precincts two and three of ward seven, precinct two of ward eight, and all precincts of wards ten and eleven, of the city of Lowell, in the county of Middlesex.

Nineteenth Middlesex. - Consisting of precinct one of ward one, all precincts of wards two and three, precinct one of ward four, precinct one of ward five, precinct one of ward six, precinct one of ward seven, and precincts one and three of ward eight, of the city of Lowell, in the county of Middlesex.

Twentieth Middlesex. - Consisting of the town of Tewksbury, and precincts one, two, four and five, 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 six, 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, and precinct three, of the town of Wilmington, all 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 all precincts 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 precinct one of ward one, of the city of Newton, and the town of Watertown, all 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 precinct one of ward one, and all precincts of wards 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, and 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, four and five of ward three, precinct three of ward four, precincts two, four and 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, precinct two

of ward three, precincts one, two, four and five of ward four, and precincts one and three of ward five, of the city of Quincy, in the county of Norfolk.

Third Norfolk. - Consisting of all precincts of ward two and precinct one of ward three, of the city of Quincy, and precincts five, six, nine, twelve, sixteen and seventeen, 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 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.

Eighth Norfolk. - Consisting of the town of Sharon and precincts one, two, three, five, six, seven and eight, of the town of Stoughton, all in the county of Norfolk.

Ninth Norfolk. - Consisting of the towns of Millis, Norfolk, Walpole and precinct two, of the town of Wrentham, all in the county of Norfolk.

Tenth Norfolk. - Consisting of the towns of Bellingham and Franklin, and precinct three, of the town of Medway, all in the county of Norfolk; and precinct two, of the town of Blackstone, in the county of Worcester.

Eleventh Norfolk. - Consisting of the town of Dedham, precincts E and H, of the town of Needham, and precincts one and three, of the town of Westwood, all in the county of Norfolk.

Twelfth Norfolk. - Consisting of the town of Norwood, and precincts two and four, of the town of Westwood, all in the county of Norfolk.

Thirteenth Norfolk. - Consisting of the towns of Dover and Medfield, and precincts A, B, C, D, F, G, I and J, of the town of Needham, all in the county of Norfolk.

Fourteenth Norfolk. - Consisting of the town of Wellesley, in the county of Norfolk; and precincts one, three and four, of 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 precincts one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, of the town of Plymouth, in the county of Plymouth.

Second Plymouth. - Consisting of precinct three, of the town of Carver, and the towns of Middleborough and Wareham, all 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 precincts one, two, three, five and six, of the town of Marshfield, and the town of Scituate, all 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 and Hanson, precinct four, of the town of Marshfield, and precincts one, two and four, of the town of 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; precincts three and four, of the town of Easton, and the town of Raynham, 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 B of ward four, of the city of Brockton, in the county of Plymouth.

Tenth Plymouth. - Consisting of precincts A, 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 precincts A and B 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 precincts one and two, of the town of Carver, the towns of East Bridgewater, Halifax and Kingston, precinct three, of the town of Pembroke, precinct thirteen, of the town of Plymouth, and the town of 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 precincts two, three, four, five, six and seven of ward two, of the city of Boston, and the city of Chelsea, all in the county of Suffolk.

Third Suffolk. - Consisting of precinct one of ward two, all precincts of ward three, precinct one of ward four, and precinct five of ward five, of the city of Boston, in the county of Suffolk.

Fourth Suffolk. - Consisting of all precincts of ward six, precincts one, two, three, four, five, six, seven and eight of ward seven, of the city of Boston, in the county of Suffolk.

Fifth Suffolk. - Consisting of precinct ten of ward seven, precincts five, six and seven of ward eight, precincts four and six of ward twelve, precincts one, two, four and five of ward thirteen, precincts one, two, three, four, five, seven, eight and nine of ward fifteen, and precinct two of ward seventeen, of the city of Boston, in the county of Suffolk.

Sixth Suffolk. - Consisting of precincts two, five, eight, nine, ten,

eleven, twelve, thirteen and fourteen of ward fourteen, precincts one, three, five and six of ward seventeen, precincts three and seven of ward eighteen, and precincts twelve and thirteen of ward nineteen, of the city of Boston, in the county of Suffolk.

Seventh Suffolk. - Consisting of precincts one, two, three and four of ward eight, precincts four and five of ward nine, precincts one, two, three, five, eight and nine of ward twelve, and precincts one, three, four, six and seven of ward fourteen, of the city of Boston, in the county of Suffolk.

Eighth Suffolk. - Consisting of precincts one, two, three, four, six, seven, eight, nine and ten of ward five, of the city of Boston, in the county of Suffolk.

Ninth Suffolk. - Consisting of precincts two, three, four, five, six, seven, eight and nine of ward four, and precincts one, two and three of ward nine, 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 five, twelve, thirteen, fourteen, fifteen and sixteen, of the town of Brookline, in the county of Norfolk; and 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.

Twelfth Suffolk. - Consisting of precinct seven of ward ten, all precincts of ward eleven, precinct seven of ward twelve, and precincts four, six, seven and eleven of ward nineteen, of the city of Boston, in the county of Suffolk.

Thirteenth Suffolk. - Consisting of precincts eight and eleven of ward sixteen, precincts four, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of ward seventeen, and precincts one, two, four, five, six and twenty-one of ward eighteen, of the city of Boston, in the county of Suffolk.

Fourteenth Suffolk. - Consisting of precinct nine of ward seven, precincts three, six, seven, eight, nine and ten of ward thirteen, precinct six of ward fifteen, and precincts one, two, three, four, five, six, seven, nine, ten and twelve of ward sixteen, 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 and precinct ten of ward nineteen, of the city of Boston, in the county of Suffolk.

Sixteenth Suffolk. - Consisting of precinct ten of ward four, precincts one, two, three, four, five, six, eight and nine of ward ten, precincts one, two, three, five, eight and nine of ward nineteen, and precinct one of ward twenty-one, of the city of Boston, in the county of Suffolk.

Seventeenth Suffolk. - Consisting of precinct two of ward one, all precincts of ward seven, and precinct one of ward eight, of the city of Malden, in the county of Middlesex; and 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, in the county of Suffolk.

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, Petersham, Phillipston, Royalston, Rutland, and precincts one and two, of the town of Templeton, all in the county of Worcester.

Second Worcester. - Consisting of the town of Ashby and precinct one, of the town of Townsend, both in the county of Middlesex; and the town of Ashburnham, precincts three and four, of the town of Templeton, the town of Winchendon, and the city of Gardner, all in the county of Worcester.

Third Worcester. - Consisting of all precincts of wards one, two, three, four and five, and precinct A of ward six, of the city of Fitchburg, in the county of Worcester.

Fourth Worcester. - Consisting of precinct B of ward six, of the city of Fitchburg, the city of Leominster, and precinct B of the town of Lunenburg, all in the county of Worcester.

Fifth Worcester. - Consisting of the towns of Barre, Brookfield, East Brookfield, New Braintree, North Brookfield, Oakham, Spencer, precinct two, of the town of Sturbridge, and the towns of Warren and West Brookfield, all in the county of Worcester.

Sixth Worcester. - Consisting of the towns of Charlton, Dudley, Southbridge, and precinct one, of the town of 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, Millville, Sutton, Uxbridge and Webster, all in the county of Worcester.

Ninth Worcester. - Consisting of the towns of Grafton, Northbridge and Westborough, all in the county of Worcester.

Tenth Worcester. - Consisting of precinct one, of the town of Blackstone, and the towns of Hopedale, Mendon and Milford, all in the county of Worcester.

Eleventh Worcester. - Consisting of the towns of Boylston, Northborough and Shrewsbury, all in the county of Worcester.

Twelfth Worcester. - Consisting of the town of Clinton, precinct two, of the town of Lancaster, and the towns of Princeton, Sterling, West Boylston and Westminster, all in the county of Worcester.

Thirteenth Worcester. - Consisting of the town of Paxton, and all precincts of wards one and nine, of the city of Worcester, all 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 precincts one and four of ward eight, of the city of Worcester, in the county of Worcester.

Seventeenth Worcester. - Consisting of the town of Leicester, all precincts of ward seven and precincts two, five, six, seven and eight of ward eight, of the city of Worcester, all in the county of Worcester.

SECTION 5. The supreme judicial court shall have jurisdiction of any petition for a writ of mandamus relative to the establishment of one hundred and sixty representative districts under section three of this act. Every such petition shall be filed in said court within ten days after the effective date of this act.

SECTION 6. Notwithstanding the provisions of section forty-seven of chapter fifty-three of the General Laws, the state secretary shall furnish nomination papers for use in the nomination of candidates to be voted for at the nineteen hundred and eighty-eight state primary, or in the case of unenrolled candidates to be voted for at the nineteen hundred and eighty-eight state election, for the office of state representative upon the effective date of this act.

SECTION 7. This act shall take effect upon its passage.

Approved April 1, 1988.

Chapter 12. AN ACT AUTHORIZING THE STATE TREASURER TO ISSUE CERTAIN BONDS OF THE COMMONWEALTH PREVIOUSLY AUTHORIZED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the issuance of certain bonds of the commonwealth previously authorized and in anticipation of the issuance of which, moneys have been advanced from the state treasury, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 3 of chapter 747 of the acts of 1970 is hereby amended by striking out, in lines 8 and 9, the words "but not later than June the thirtieth, nineteen hundred and eighty-five".

SECTION 2. The second paragraph of said section 3 of said chapter 747 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- 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 the thirtieth, two thousand and fifteen.

Approved April 1, 1988.

Chapter 13. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF UXBRIDGE AS THE CAPTAIN JAMES BUXTON MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge, located on Buxton street in the town of Uxbridge over state highway Route 146, shall be designated and known as the Captain James Buxton Memorial Bridge, in memory of Captain James Buxton, a native of the town of Uxbridge who was a leading figure in the American Revolutionary War. 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 6, 1988.

Chapter 14. AN ACT EXEMPTING THE CITY OF WORCESTER FROM CERTAIN BIDDING PROCEDURES IN PROCURING MODULAR BUILDINGS FOR CLASSROOMS.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby authorized to procure, in accordance with the provisions of this act, not more than twenty-three modular buildings for use as classrooms.

As used in this act, the term "modular buildings" shall mean a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor and a roof,

designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation.

As used in this act, the term "procurement" shall mean buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building including description of requirements, selection and solicitation of sources, preparation and award of the contract and all phases of contract administration.

The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws and sections forty-four A, forty-four B and forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to this act.

A contract awarded pursuant to this act which is for an amount or estimated amount greater than one hundred thousand dollars shall be subject to the provisions of section thirty-nine R of chapter thirty of the General Laws. The city of Worcester shall procure the modular buildings authorized by this act using competitive sealed proposals.

The request for proposals shall include the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the city of Worcester; the purchase description and all evaluation criteria that will be utilized; and all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate documents by reference, provided that the request for proposals specifies where prospective offerors may obtain the documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The city of Worcester shall make copies of the request for proposals available to all persons on an equal basis.

Every proposal shall be accompanied by either a copy of a certificate of eligibility issued by the deputy commissioner pursuant to section forty-four D of chapter one hundred and forty-nine for the fabrication of modular buildings, together with an update statement or a prequalification statement containing such information as the purchasing agent for the city of Worcester, in consultation with the deputy commissioner, shall prescribe. If the deputy commissioner determines that any offeror is not responsible or eligible, the purchasing agent shall reject such offer in writing.

Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the secretary of state, and in such other newspapers and trade periodicals as the city of Worcester customarily utilizes for the advertisement of construction contracts.

The proposals shall not be opened publicly, but shall be opened in the presence of one or more witnesses at the time specified in the request

for proposals. Notwithstanding the provision of section seven of chapter four, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the purchasing agent for the city of Worcester shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The purchasing agent may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The purchasing agent shall designate the individuals or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for the rating; a composite rating for each proposal, and the reasons for the rating; and revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The purchasing agent shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time set forth for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the city of Worcester or fair competition. The purchasing agent shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the purchasing agent shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The purchasing agent may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

The purchasing agent shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The purchasing agent shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The purchasing agent may condition an award on successful negotiation of the revisions specified in the evaluation, and

shall explain in writing the reasons for omitting any such revision from the contract.

If the purchasing agent awards the contract to an offeror who did not submit the lowest price, the purchasing agent shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the city of Worcester's actual needs or that the anticipated performance of the selected offeror justifies the additional cost.

Prior to execution of the contract, the selected offeror shall furnish to the purchasing agent a performance bond satisfactory to the purchasing agent in the sum of fifty per cent of the contract price.

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

Approved April 6, 1988.

Chapter 15. AN ACT PROVIDING FOR AN ACCELERATED TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for an accelerated transportation development and improvement program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The department of public works, hereinafter referred to as the "department", is hereby authorized and directed to expend a sum not to exceed one billion three hundred and forty million five hundred thousand dollars and the metropolitan district commission, hereinafter referred to as the "commission", is hereby authorized and directed to expend a sum not to exceed thirty-one million eight hundred forty-two thousand dollars for the following purposes.

Projects for the laying out, construction, reconstruction, resurfacing, relocation or improvement of highways, bridges, bicycle paths or facilities, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under the provisions of section thirty-four of chapter ninety of the General Laws, highway or mass transportation studies, including without limitation, traffic, environmental or parking studies, establishment of school zones in accordance with section seventeen of said chapter ninety, improvements on routes not designated as state highways without assumption of maintenance responsibilities, and notwithstanding any law to the contrary, projects to alleviate the contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway

safety, and for water supply, drainage or sewerage facilities impacted by or impacting on any highway or bridge of the department or impacted by any project undertaken by the department, and for the relocation of persons or businesses, or replacement of dwellings or structures including, without limitation, the provision of last resort housing under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC 4601 et seq., and to sell, at public or private sale, any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed, in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month. In planning for the funding of a project, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles as a means of transportation.

Funds authorized by this section shall, except as otherwise specifically provided in this act, be subject to the provisions of the first paragraph of section six and sections seven and nine of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six and, notwithstanding any law to the contrary, may be used for the purpose stated in this act in conjunction with funds of cities, towns, and any political subdivision of the commonwealth.

In carrying out the provisions of this section and section three, the department may enter into such contracts or agreements as are appropriate with other state, local or regional public agencies or authorities. In relation to such agreements between the department and other state agencies or authorities, the department is hereby authorized to and may advance to such agencies or authorities, without prior expenditures by such agencies or authorities, monies necessary to carry out such agreements; provided, however, that the department certifies to the comptroller the amounts so advanced; provided, further, that such agreements contain provisions satisfactory to the department for the accounting of such monies as expended by said agency or authority; and provided, further, that all monies not expended under any such agreement be credited to the account of the department from which they were advanced.

In addition to the foregoing the department is further authorized:

(1) to expend funds made available by this act to acquire from any person land or rights in land by lease, purchase, or eminent domain under the provisions of chapter seventy-nine of the General Laws, or otherwise for parking facilities adjacent to any public way, to be operated by the department or under contract with any person; and

(2) to expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools; and

(3) to exercise all powers and do all things necessary and convenient to carry out the purpose of this act.

SECTION 2. Amounts authorized by section one of this act shall be available for expenditure and shall be allocated on the accounting records of the comptroller to the department as follows:-

(a) a sum not to exceed eight hundred and fifteen million five hundred thousand dollars to the department for projects, pursuant to the provisions of section one, on the interstate federal aid highway system; provided, however, that a sum not to exceed twenty million dollars of the authorization contained in this paragraph shall be expended for the purpose of treating or eliminating the discharge of highway drainage under the control of the department into the Hobbs Brook and Stoney Brook reservoirs or onto any land area within five hundred feet thereof. The department shall submit to the house and senate committees on ways and means and the joint committee on natural resources and agriculture plans to implement this project, based upon an analysis of all practical drainage alternatives and treatment techniques by December thirty-first, nineteen hundred and eighty-eight;

(b) a sum not to exceed four hundred and thirty million dollars to the department for projects, pursuant to the provisions of section one, on the federal aid highway system, other than interstate;

(c) a sum not to exceed seventy million dollars to the department for engineering and other consultant services essential to the purposes and projects authorized by this section; provided, however, that a sum not less than three million dollars of this amount shall be expended for salaries of engineering employees of the department;

(d) a sum not to exceed fifteen million dollars to the department for direct expenses in connection with research and planning projects and work to be done on a cooperative basis with educational institutions and other state, regional and federal agencies;

(e) a sum not to exceed ten million dollars for administrative and engineering expenses directly attributable to the purposes and projects authorized under section one.

SECTION 3. In addition to the funds and purposes authorized by section one of this act, the department is hereby authorized and directed to expend the following sums:-

(a) a sum not to exceed six million dollars for the acquisition and improvement of maintenance sites, including the construction of sanitary facilities, the erection of protective fences, and the construction of salt storage sheds; provided, however, that the department shall make available to cities and towns a sum of five million dollars for the construction of salt storage sheds;

(b) a sum not to exceed one hundred and twenty-five million dollars for the design and construction, repair or improvement to non-federally reimbursable projects; provided, however, that a sum not less than four million dollars shall be expended for the purpose of planning, design, acquisition, development and associated costs in connection with providing aesthetic improvements and park facilities on lands adjacent to the central artery north area project; provided, further, that a sum not less than two million two hundred thousand dollars shall be granted to the city of Lawrence for road repairs, utility relocation, and aesthetic

improvements to the Museum Square District;

(c) a sum not to exceed eighty million dollars for projects for construction and reconstruction of town and county ways under subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws; provided, however, that the department shall certify to the comptroller the amount to be apportioned to each city and town; provided, further, that the city or town shall certify to the department that such city or town has expended all of the sums apportioned to such city or town under the provisions of paragraph (d) of section three of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, and paragraph (d) of section three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five; or that said city or town has remaining a sum of money which by itself is insufficient to finance a proposed project; provided, further, that the city or town shall comply with procedures established by the department; provided, further, that any such city or town is hereby authorized to appropriate for such projects amounts not in excess of the amounts certified by the department upon receipt of certification by the department of the sum receivable by such city or town under this section; provided, further, that said appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section twenty-three of chapter fifty-nine of the General Laws; provided, further, that the commonwealth shall reimburse such cities and towns under this section within thirty days of receipt by the department of a request for reimbursement from such city or town, such request to include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this section, and the work has been completed to its satisfaction according to the specifications of said project and in compliance with applicable law;

(d) a sum not to exceed one million dollars to alleviate the contamination of public or private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety; provided, however, that such funds may also be used, upon the approval of the department, to reimburse communities, for up to one hundred per cent of the cost incurred in alleviating said contamination; provided, further, that the department shall report annually to the house and senate committees on ways and means and the joint committees on transportation and natural resources and agriculture the results of their program to alleviate the contamination of water supplies including the location of any water supplies involved in said program and descriptions of the actions and methods utilized by the department to alleviate water supply contamination;

(e) a sum not to exceed five million dollars for the construction and reconstruction of or alteration and improvements to the department's garages and maintenance shops. Notwithstanding any general or special law to the contrary, such projects shall be carried out by the department;

(f) a sum not to exceed thirty million dollars for the design and construction of roads, roadways and other transportation related projects deemed necessary for economic development by the secretary of

transportation and construction upon the petition of the appropriate local executive government body. Said thirty million dollars shall be expended in accordance with the provisions of chapter nineteen of the acts of nineteen hundred and eighty-three;

(g) a sum not to exceed ten million dollars, in addition to any other available funds, for the purpose of implementing the provisions of chapter eighty of the General Laws. Said ten million dollars may be used for projects undertaken by the department or may be awarded through a grant program to a city or town upon the petition of an appropriate local executive government body. A portion of any such grant fund awarded by the department in accordance with this paragraph shall be repaid to the commonwealth by means of assessments established in accordance with this paragraph and with the provisions of said chapter eighty. The department may extend, defer or abate the payment of any betterment or portion thereof assessed under this section if there is a resulting benefit to the public which outweighs repayment of a grant through assessment.

The department may promulgate such rules and regulations as it shall determine necessary to implement this section. Said rules and regulations may include, but not be limited to, methods for the determination and establishment of: (a) the boundaries of the area which will receive benefit and advantage, other than the general advantage to the community, from the construction and operation of said improvements, (b) the total amount of such benefit and advantage, other than the general advantage to the community, which will be received by the land within the limits of said area from said improvements, (c) any zones within said area which will receive a more direct and special advantage than the rest of the area, (d) the proportion of the total assessment to be assessed upon the several parcels of land within each such zone; and (e) the conditions under which and the procedures whereby the department may extend, defer or abate the payment of any betterment or portion thereof;

(h) a sum not to exceed five million dollars for the purpose of implementing the provisions of section thirty-two of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three; provided, however, that towns shall be eligible to receive only one grant from the funds authorized by this paragraph;

(i) a sum not to exceed four million dollars for the laying out, construction, reconstruction or other improvement of bicycle paths and facilities;

(j) a sum not to exceed seven million five hundred thousand dollars for the acquisition, by eminent domain under the provisions of chapter seventy-nine of the General Laws or by purchase or otherwise, of land or rights in land within or adjacent to public ways for the purpose of restoring, preserving, or enhancing areas of scenic beauty or special environmental value. Such acquisition shall be made following consultation with the secretary of environmental affairs and appropriate advisory committees; provided, however, that prior to any such acquisition, notice of the acquisition shall be filed with the house and senate committees on ways and means and the joint committee on

transportation;

(k) a sum not to exceed five million dollars for expenses of alternative means of transportation during construction of the central artery north area project;

(l) a sum not to exceed one million dollars to provide for the replacement of fuel tanks on department property;

(m) a sum not to exceed three million dollars to assist towns with populations of fifteen thousand or less undertaking projects to construct, reconstruct, widen, resurface, rehabilitate, and otherwise improve roads, highways, and bridges within the commonwealth that provide access to state owned land. Said three million dollars shall be expended in accordance with the provisions of paragraph (n) of section three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five;

(n) a sum not to exceed two million dollars to provide for the assessment, containment, transportation and disposal, decontamination and general clean up of hazardous materials at department sites;

(o) a sum not to exceed twenty-nine million dollars for the design and reconstruction of, and improvements to, state highway bridges and other bridges; provided, that a sum not to exceed nine million dollars shall be made available for the Dighton-Berkley Bridge; provided, however, that notwithstanding the provisions of any other law to the contrary, the provisions of section forty of chapter one hundred and thirty-one of the General Laws and section sixty-one and section sixty-two A to sixty-two H, inclusive, of chapter thirty of the General Laws shall not apply to bridge projects of the department authorized under this act for the repair, reconstruction, replacement or demolition of existing state highway bridges and other bridges, including the immediate roadway approaches necessary to connect said bridges to the existing adjacent highway system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, further, that the provisions of chapter ninety-one of the General Laws shall not apply to bridge projects of the department authorized under this act, including the immediate roadway approaches necessary to connect said bridges to the existing adjacent highway system; provided, further, that in the case of any state highway or other bridge crossing over a railroad right-of-way or railroad tracks, the department shall seek the opinion of any railroad company, railway company or its assigns operating on said track of a desirable clearance between said track and the state highway bridge, but said clearance shall be at the discretion of the department; provided, further, that the department, its agents or contractors may enter upon any right-of-way, land or premises of a railroad company or railway company or its assigns for such purposes as the department may deem necessary or convenient to carry out the provisions of this act; provided, further, that if a flagman is needed to carry out the provisions of this act, the railroad company, railway company, or its assigns shall provide such flagman. For the purposes of this paragraph, bridge shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility, or other

area;

(p) a sum of not less than six hundred thousand dollars for the construction of traffic lights at certain intersections; provided, however, that not less than three hundred thousand dollars of this sum shall be expended for the construction of traffic lights on Route 123 in the city of Brockton, near Brockton high school, and on Routes 123 and 138 in the town of Easton near Stonehill College;

(q) a sum not to exceed five million dollars for the department to establish a program to provide grant funds to cities and towns for projects to construct, reconstruct, and otherwise improve water supply, drainage, or sewerage facilities along roads, highways, and bridges within the commonwealth. Said grant shall be used to alleviate inadequacies, deficiencies and pollutants in public water supply systems and coastal waters caused by storm water run-off. The commissioner of said department shall establish rules and regulations to govern the application process and disbursement of grant funds under the provisions of this section;

(r) a sum not to exceed twenty million dollars for the purposes of water supply, drainage or sewerage facilities impacted by or impacting on any highway or bridge of the department or impacted by any project undertaken by the department;

(s) a sum not to exceed five million dollars for the department to study, and if feasible, implement, any and all alternative means of water transportation, and/or other mitigating measures, including those originating from areas north of Boston, during construction of the central artery north area project, and to study alternative means of transportation to mitigate traffic disruptions during other construction projects in the commonwealth.

SECTION 4. Pursuant to the provisions of section one of this act, the department is hereby authorized and directed to expend a sum not less than two hundred and forty million dollars for projects in the following four areas: not less than sixty million dollars in the counties of Berkshire, Hampden, Hampshire, and Franklin; not less than sixty million dollars in the counties of Norfolk and Worcester; not less than sixty million dollars in the counties of Essex and Middlesex; and not less than sixty million dollars in the counties of Barnstable, Bristol, Dukes, Nantucket, and Plymouth.

SECTION 5. No payment in excess of one hundred thousand dollars by way of purchase of real estate or any interest therein shall be made by the department and no settlements in excess of one hundred thousand dollars and in excess of the amount recommended by the real estate review board established by section six of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six shall be made out of court for damage recoverable under chapter seventy-nine of the General Laws, by reason of a purchase or taking under this act or under chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five, chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, chapter seven hundred and sixty-eight of the

acts of nineteen hundred and sixty-nine, chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine, chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one, chapter three hundred and thirty-five of the acts of nineteen hundred and eighty-two, chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, or chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five. Each recommendation of the real estate review board shall be in writing and shall be accompanied by a written statement of the reasons for such recommendation.

No settlement by reason of taking under this act or under said chapter six hundred and seventy-nine, six hundred and sixteen, seven hundred and sixty-eight, seven hundred and sixty-five, eight hundred and fifty-nine, three hundred and fifty-six, four hundred and eighty, seven hundred and thirty-two, three hundred and thirty-five, six hundred and thirty-seven, or eight hundred and eleven in excess of one hundred thousand dollars and in excess of the recommendation of the real estate review board, shall be made by agreement of the parties during or after trial except with the written approval of the court; provided, however, that the settlements in excess of the recommendation of the board may be made without such approval if the settlement does not exceed the amount of any verdict or finding which may have been rendered, together with interest and costs.

SECTION 6. The department may provide functional replacement of real property in public ownership whenever the department has acquired such property in whole or in part under the provisions of this act or such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the department determines such functional replacement is necessary and in the public interest. For purposes of this section, "functional replacement" shall mean the replacement, pursuant to the provisions of chapter seven of the General Laws including sections forty F and forty F and one-half requiring authorization of the general court prior to disposition, of real property, either land or facilities or both, which will provide equivalent utility and "real property in public ownership" shall mean any and all present and future interests in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required under said chapter seven.

Whenever the department determines it is necessary that any utility or utility facility as defined under federal law be relocated because of construction of a project which is to be reimbursed federally in whole or in part, then such facilities shall be relocated by the department or by the owner thereof in accordance with an order from the department;

provided, however, that the commonwealth may reimburse the owner of such utility or utility facility for the cost of relocation; and provided, further, that any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to the provisions of section twenty-seven of chapter one hundred and forty-nine of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, and utility or utility facility that is required to be relocated because of the construction of a project federally funded under the Federal-Aid Highway Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated temporarily above ground during the construction of said project.

SECTION 7. In order to further the purposes of this act, land or rights in land may be acquired by the department of public works by eminent domain under chapter seventy-nine of the General Laws, by purchase or otherwise in behalf of any other department, authority, agency, board, commission, or public entity; provided, however, that the governing body of said other department, authority, agency, board, commission or public entity consents thereto.

Control of the land or rights in the land acquired under this act shall not vest in said other department, authority, agency, board, commission, or public entity until such time as the work for which the land or rights in land have been acquired has been completed by said department.

Any person whose property has been taken or injured by any action of said department under authority of this section may recover from the commonwealth under said chapter seventy-nine such damages therefor as he may be entitled to. For this purpose the department may use any funds which may be available to it for highway purposes, including federal aid, and may also be reimbursed for payment of such damages from any funds appropriated for or otherwise available to said other department, authority, agency, board, commission, or public entity; provided, however, that said governing body thereof consents thereto.

SECTION 8. Any amounts made available by sections one and three of this act or heretofore made available by section one of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, section one of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, sections one and four of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, sections six and eight of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, sections one and two of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, sections one and two A of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine, sections fifteen and seventeen of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one, section one of chapter three hundred and thirty-five of the acts of nineteen hundred and eighty-two, sections one and three of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, and sections one and three of chapter

eight hundred and eleven of the acts of nineteen hundred and eighty-five, shall be available for expenditure until June thirtieth, nineteen hundred and ninety-three.

SECTION 9. Notwithstanding the provisions of any other law to the contrary, the department is hereby authorized and directed to take all necessary actions to secure federal highway or mass transportation assistance which is or may become available to said department, including, without limitation, actions authorized under or in compliance with the provisions of Title 23 of the United States Code and section one hundred and forty-five of the Surface Transportation and Uniform Relocation Assistance Act of 1982, PL 97-424, the Surface Transportation and Uniform Relocation Assistance Act of 1987, PL 110-17, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or appropriate to the foregoing. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department agency or other instrumentality of the commonwealth other than said department, such other department, agency or instrumentality is hereby authorized and directed to take such action.

In furtherance of the foregoing purposes, said department shall apply for and accept any federal funds available for projects authorized in sections one and three of this act and such federal funds when received shall be credited to the Federal Highway Construction Program Fund. To meet a portion of the expenditure authorized by sections one and three, there is hereby appropriated from the Federal Highway Construction Program Fund a sum of one billion ninety-nine million dollars which shall be expended, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution of the Commonwealth and which shall be in addition to the amounts appropriated in section six of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five, section seven of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, section six of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, section six of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, section eleven of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, section eight of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, section eight of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine, section twenty-three of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one, section one of chapter three hundred and thirty-five of the acts of nineteen hundred and eighty-two, section one of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, and section one of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five.

SECTION 10. To meet a portion of the expenditures necessary in carrying out the provisions of sections one and three of this act, excluding paragraph (c) of said section three, 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 five hundred and thirty-seven million four hundred and forty-two thousand dollars to be in addition to bonds authorized to be issued and sold in section eleven of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, section nine of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, section fourteen of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, section nine of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, section nine of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine, section twenty-four of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one, section two of chapter three hundred and thirty-five of the acts of nineteen hundred and eighty-two, section ten of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, and section nine of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan, Act of 1988, 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. 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 be general obligations of the commonwealth.

SECTION 11. To meet the expenditures necessary in carrying out the provisions of paragraph (c) of section three, 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 eighty million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Local Highway Improvement Loan, Act of 1988, 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 to the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and thirteen. All interest and payments on account of principal of such obligations shall be payable from the Local Aid Fund.

Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

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 sections one 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 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 shall be general obligations of the commonwealth. All payments on account of principal on the said notes allocable to the Federal Highway Construction Program Fund shall be repaid from said fund.

SECTION 13. The department and the commission, notwithstanding any other general or special law to the contrary, are hereby authorized and directed to expend a sum not to exceed twenty-six million dollars for the purchase of highway maintenance fleet equipment and bridge painting; provided, however, that the department shall expend a sum not to exceed sixteen million dollars and the commission shall expend a sum not to exceed ten million dollars of the funds authorized by this section.

SECTION 14. To meet the expenditures necessary in carrying out the provisions of section thirteen of this act, 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 twenty-six million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Maintenance Equipment and Bridge Painting, Act of 1988 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 one. All interest and payments on account of principal of such obligation shall be payable from the Highway Fund.

Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 15. Any interest earned from the deposit or investment of any funds made available to any city or town under the provisions of paragraphs (f) and (h) of section three of this act, or paragraph (c) of section seventeen of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one, or paragraph (b) of section one of chapter three hundred and thirty-five of the acts of nineteen hundred and eighty-two, or paragraph (d) or (h) of section three of chapter six hundred and thirty-seven of the acts of nineteen hundred and

eighty-three, or paragraphs (d), (g), and (i) of section three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five shall only be used for the purposes for which said funds were originally made available to such city and town without further appropriation. The preceding sentence shall apply to any interest earned from agreements entered into prior to the effective date of this act, and still available for expenditure by such city or town. Any interest earned pursuant to agreements entered into on or after the effective date of this act shall be returned to the commonwealth.

SECTION 16. Amounts authorized by section one of this act shall be allocated on the accounting records of the comptroller to the commission as follows:

(a) a sum not to exceed twenty-three million eighty thousand dollars for projects pursuant to the provisions of section one of this act,

(b) a sum not to exceed two million two hundred thousand dollars for the parks, engineering and construction divisions and maintenance divisions for personnel and consultant services essential to the purposes and projects authorized by section one,

(c) notwithstanding any other general or special law to the contrary, a sum not to exceed five million dollars for the purchase of advanced telecommunication traffic or safety mitigation equipment,

(d) notwithstanding any other general or special law to the contrary, a sum not to exceed one million five hundred sixty-two thousand dollars for use in the transportation mitigation program.

The commissioner may expend monies from the sums herein authorized in a sum not to exceed six million dollars for the acquisition and improvement of support facilities to provide for the maintenance, security, protection and improvement of metropolitan parkways, bridges and adjoining properties.

SECTION 17. The secretary of transportation and construction is hereby authorized and directed to expend a sum not to exceed three million dollars for the purposes of further implementing the provisions of section thirteen of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three; provided, however, that any grant funds awarded under this section shall be for not more than eighty per cent of the total purchase cost of the vehicles or equipment. The secretary of transportation and construction may waive said limitation upon a determination that such recipient is in critical financial need.

SECTION 18. To meet the expenditures necessary in carrying out the provisions of section seventeen 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 three million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Mobility Assistance Program Loan, Act of 1988 and shall be issued for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of

Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, nineteen hundred and ninety-six.

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 19. The secretary of transportation and construction is hereby authorized and directed to expend a sum not to exceed eight million five hundred thousand dollars for the purposes set forth in section three of chapter one hundred and sixty-one D of the General Laws.

Said secretary shall prepare a report annually detailing revenues and expenditures under said program and file the same with the house and senate committees on ways and means and the joint committee on transportation within thirty days after each filing period.

SECTION 20. To meet the expenditures necessary in carrying out the provisions of section nineteen 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 eight million five hundred thousand dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Intercity Bus Capital Assistance Program Loan, Act of 1988 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 one. All interest and payments on account of principal of such obligations shall be payable from the Intercity Bus Capital Assistance Program Fund to the extent that there are funds available therein for such payments. Notwithstanding the foregoing, bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

Said bonds shall not be subject to section fifty-three of chapter twenty-nine of the General Laws.

SECTION 21. The secretary of transportation and construction is hereby authorized and directed to expend a sum not to exceed nine million dollars for the functional replacement of the Armed Services YMCA taken by the commonwealth pursuant to an order of taking recorded in the Suffolk registry of deeds on or about May 3, 1984, Book 10899, Page 086, parcel B for the redesign of interstate Route 93.

SECTION 22. To meet the expenditures necessary in carrying out the provisions of section twenty-one of this act, the state treasurer shall, upon request of the governor issue and sell bonds of the commonwealth to any amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of nine million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their

face, Armed Services YMCA Functional Replacement Loan, Act of 1988, 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 the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

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 section twenty-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 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.

SECTION 24. The Massachusetts aeronautics commission, hereinafter referred to as the aeronautics commission, is hereby authorized and directed to expend a sum not to exceed six million one hundred thousand dollars for the purpose of airport systems improvement and development in the commonwealth, for payments, reimbursements or both to cities, towns and counties for planning design and construction of airports pursuant to sections thirty-nine F and fifty-one K of chapter ninety of the General Laws, for providing navigational aids pursuant to section forty of chapter ninety of the General Laws and for administrative costs including the salary of the environmental planner authorized by this section, and for the purpose of implementing the provisions of section thirty-nine A of chapter ninety of the General Laws. Sums authorized by this section shall be in addition to any prior sums authorized for such purposes; provided, further, that of the above amount said aeronautics commission is hereby authorized and directed to expend a sum not to exceed one million two hundred thousand dollars for the purpose of administering an airport safety and maintenance program to assist in the maintenance and repair of airports in the Massachusetts airports system plan excluding those airports owned and operated by the Massachusetts Port Authority; provided, further, that an amount not to exceed twenty-five thousand dollars shall be available for an air passenger study on flight traffic lanes from Westover, and that an amount not to exceed seventy-five thousand dollars shall be available for the update of a

master plan relative to commercial, industrial, and aviation activity of the Westover Metropolitan Development Corporation.

For the purpose of carrying out the above mentioned airport development and safety programs, the aeronautics commission is authorized to appoint one environmental planner without regard to chapter thirty-one of the General Laws or any collective bargaining agreement pursuant to chapter one hundred and fifty E of the General Laws. Except as otherwise specified herein, following appointment under this paragraph, no such person shall be subject to the provisions of said chapter thirty-one; and no such person shall be terminated or otherwise removed from such position as a result, directly or indirectly, of the establishment, or operation of any civil service list pursuant to said chapter thirty-one.

The commission's rules and regulations governing the airport maintenance and safety program shall include a provision that the commonwealth's share of the total cost of each project shall not exceed seventy per cent.

SECTION 25. To meet the expenditures necessary in carrying out the provisions of section twenty-four 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 six million one hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Airport Capital Outlay, Act of 1988, 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. All interest and payments on account of principal of such obligations 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 26. The secretary of the executive office of transportation and construction is hereby authorized and directed to expend a sum not to exceed twenty-seven million five hundred thousand dollars for the purpose of implementing the provisions of chapter one hundred and sixty-one C of the General Laws; provided, however, that a sum not to exceed five million dollars shall be expended only for passenger rail transportation services; provided, further, that a sum not to exceed twenty-two million five hundred thousand dollars shall be expended only for freight rail purposes; provided, further, that an amount not to exceed six million dollars of this sum may be expended for the purpose of improving bridge clearances on freight rail lines within the commonwealth; provided, further, that the amount expended by the secretary of transportation and construction shall not exceed more than fifty per cent of the cost of improvements to said bridge clearances; and

provided, further, that an amount not to exceed three million dollars of this sum may be expended for the purpose of acquiring and rehabilitating freight rail lines in Berkshire county.

SECTION 27. To meet the expenditures necessary in carrying out the provisions of section twenty-six of this act, 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, twenty-seven million five hundred thousand dollars; provided, however, that proceeds not to exceed five million dollars of such bonds shall be expended for passenger rail transportation purposes; and provided, further, that proceeds not exceeding twenty-two million five hundred thousand dollars of such bonds shall be expended only for freight rail purposes. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Rail Transportation Loan, Act of 1988, 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. 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 shall be general obligations of the commonwealth.

SECTION 28. The secretary of transportation and construction is hereby authorized and directed to expend a sum not exceeding six million dollars for the purposes of further implementing the provisions of section twenty-three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five.

SECTION 29. To meet the expenditures necessary in carrying out the provisions of sections twenty-eight and seventy-eight of this act, the state treasurer shall upon the request of the governor, issue and sell bonds of the commonwealth, to an amount specified by the governor from time to time, but not exceeding in the aggregate, the sum of six million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face Regional Transit Authority Capital Assistance Loan, Act of 1988, 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 the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 30. 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 twenty-eight and seventy-eight of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal shall not be later than June thirtieth, 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.

SECTION 31. The proceeds of six hundred forty-two million three hundred seventy thousand dollars of additional bond authorization provided under section sixty-one of this act shall be expended for the capital needs of the authority, including, but not limited to, the following: (a) purchase, long term leasing and rehabilitation of rolling stock, (b) construction, rehabilitation and expansion of shops and carhouses, (c) commuter rail improvements, (d) subway construction and subway structural and ventilation improvements, (e) system wide track and power improvements, (f) station expansion, modernization and improvements, (g) plant and facility improvements and material and equipment procurements, (h) construction of rapid transit or steel wheeled surface lines, (i) commuter rail improvements for Regional Transit Authority member cities and towns; provided, however, that none of the funds in this section shall be expended for the Old Colony Railroad Rehabilitation Project, and (j) conceptual engineering, site acquisition and design of a green line heavy repair and maintenance facility at the Lechmere Station area in Cambridge.

For the purpose of improving mass transportation and commuter rail services, the parcels of land hereinafter described as parcel one and parcel two, together with any trees and structures thereon, if any, are hereby condemned and taken by the power of eminent domain in fee simple by virtue of this act and title to each said parcel is hereby vested in the Massachusetts Bay Transportation Authority. The authority shall hold said parcels as mass transportation facilities within the meaning of section two of chapter one hundred and sixty-one A of the General Laws, subject, however, to the following provisions. Except as provided herein the authority shall not dispose of, nor grant any interest or right in, any interests in or license to use said parcel one or parcel two without the prior approval of the general court and the governor, notwithstanding any general or other special law to the contrary; provided, however, that the authority is hereby authorized to convey to the city of Boston, at any time, an interest in and to the air space commencing thirty-five feet above the highest elevation of the surface of said parcels, together with the right to construct, use and maintain in the parcels, upon such terms and conditions as may be approved by the authority, such structural

members, lobbies, or service areas as may be reasonably necessary to provide direct support for and access to any buildings to be built in said air space, including easements for pedestrian and vehicular access and service core requirements. The authority shall retain the right to penetrate said air rights as reasonably required for ventilation and signalization, and the authority shall provide to the city of Boston within one hundred and eighty days of the effective date of this act a description of its ventilation and signalization requirements. Said city shall have the right to reconvey such interest. This taking shall be effective notwithstanding any inconsistent public use and no compensation shall be paid except that required by the constitution of the commonwealth or the constitution of the United States. If any compensation is due it shall be paid by the authority from the funds made available by this section or from other sources of its own funds which are available for the purpose. The authority shall fulfill all of the other requirements of chapter seventy-nine of the General Laws, as if it were the taking authority and this section shall be deemed to be an order of taking and shall be accepted for filing in the appropriate registry of deeds or land court.

Parcel one is described as follows:

A certain parcel of land situated in the city of Boston, Suffolk County, Massachusetts, bounded and described as follows: Parcel A1, Fee Taking: Beginning at a point (P101) 205.91 feet northwest of the Causeway Street streetline and along the westerly side of Accolon Way; Thence running along the northwest side of the arena S53° 52' 22"W a distance of 318.27 feet to a point (P 102); Thence turning and running N36° 07' 38"W a distance of 15.00 feet to a point (P103); Thence turning and running S78° 49' 49"W a distance of 77.95 feet to a point (P104); Thence turning and running N36° 05' 15"W a distance of 100.00 feet to a point (P105); Thence turning and running S53° 54' 42"W a distance of 159.90 feet to a point (P106); Thence turning and running N36° 03' 04"W a distance of 103.81 feet to a point (P107); Thence turning and running N53° 55' 16"E a distance of 125.31 feet to a point (P108); Thence turning and running S36° 04' 44"E a distance of 10.00 feet to a point (P109); Thence turning and running N53° 55' 16"E a distance of 108.89 feet to a point (P110); Thence turning and running N35° 57' 02"W a distance of 34.00 feet to a point (P111); Thence turning and running N53° 55' 16"E a distance of 214.54 feet to a point (P112); Thence turning and running N36° 03' 45"W a distance of 18.89 feet to a point (P113); Thence turning and running N54° 09' 53"E a distance of 94.13 feet to a point (P114); Thence turning and running S36° 03' 32"E a distance of 135.07 feet to a point (P115); Thence turning and running N53° 54' 58"E a distance of 6.00 feet to a point (P116); Thence turning and running S36° 03' 32"E a distance of 158.84 feet to the point (P101) of beginning; containing 119,781+ square feet of land. The above taking is shown on a plan entitled "LAND ACQUISITION PLAN CITY OF BOSTON SUFFOLK COUNTY" prepared, on behalf of the Massachusetts Bay Transportation Authority, by PB/SS Joint Venture dated January 29, 1988. Parcel Two is described as follows: A certain parcel of land situated in the City of Boston, Suffolk County, Massachusetts, bounded

and described as follows: Parcel A2, Fee Taking: Beginning at a point (P102) on the northwest side and 318.27 feet from a point (P101) which is along the westerly side of Accolon Way; Thence running along said arena S53° _52' _22"W a distance of 142.21 feet to a point (P117); Thence turning and running N36° _05' _15"W a distance of 109.94 feet to a point (P118); Thence turning and running S53° _54' _42"W a distance of 88.42 feet to a point (P119); Thence turning and running N36° _03' 04"W a distance of 38.00 feet to a point (P106); Thence turning and running N53° _54' _42"E a distance of 159.90 feet to a point (P105); Thence turning and running S36° _05' _15"E a distance of 100.00 feet to a point (P104); Thence turning and running N78° _49' _49"E a distance of 77.95 feet to a point (P103); Thence turning and running S36° _07' 38"E a distance of 15.00 feet to the point (P102) of beginning; containing 16,159+ square feet of land. The above taking is shown on a plan entitled "LAND ACQUISITION PLAN CITY OF BOSTON SUFFOLK COUNTY" prepared, on behalf of the Massachusetts Bay Transportation Authority, by PB/SS Joint Venture dated January 29, 1988.

The Massachusetts Bay Transportation Authority shall annually prepare and submit to the house and senate committees on ways and means and the commissioner of administration and finance a report detailing the expenditures made for the purposes enumerated above. In addition, said report shall contain statements which include the authorized, unissued, and outstanding bonds and notes of the authority at the end of the preceding fiscal year, an estimate of the amount of said bonds and notes at the end of the current fiscal year, and an estimate of the amount of said bonds and notes, including the amount to be sold, retired or refinanced, at the end of the subsequent fiscal year and shall indicate the source of revenues to finance such bonds and notes, including any financial assistance from the commonwealth, such as guarantees, contract assistance, or other such assistance.

Said authority shall prepare a report which provides an up-to-date status on the Roxbury Replacement Service Project. Said report shall be filed on a bi-monthly basis with the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means and committee on transportation.

SECTION 32. The proceeds of one hundred and ninety-five million eight hundred and fifty thousand dollars of additional bond authorization under section sixty-one of this act shall be expended for the Old Colony Railroad Rehabilitation Project; provided, however, that the Massachusetts Bay Transportation Authority shall refrain from the commencement of service from the towns of Middleborough and Hanson to the town of Braintree prior to the issuance by the secretary of environmental affairs of a certificate authorizing the design and construction of the rail link between the town of Braintree and the city of Boston; and provided, further, that the authority shall prepare a report which provides an up-to-date status on the Old Colony Railroad Rehabilitation Project. Said report shall be filed on a bi-monthly basis with the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means and the

joint committee on transportation.

SECTION 33. In addition to any contract assistance paid to the Massachusetts Bay Transportation Authority under the provisions of chapter one hundred and sixty-one A of the General Laws or any other general or special law, the executive office of administration and finance, acting on behalf of the commonwealth, shall, on the recommendation of the secretary, enter into a contract or contracts with the Massachusetts Bay Transportation Authority, hereinafter referred to in this section as "the Authority", providing for additional contract assistance for the Authority's net additional expense of providing mass transportation or rail service to cities and towns outside the area constituting the Authority under contracts with said cities and towns, with regional transportation areas, or with the operator of said transportation service and such amounts shall be paid by the commonwealth to the Authority and shall not be reimbursed by said cities and towns to the Authority; provided, however, that said contract assistance for the net additional expense of bus service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts Bay Transportation Authority shall, subject to appropriation, not exceed two million dollars in annual obligation.

SECTION 34. The executive office of transportation and construction is hereby authorized and directed to undertake a study for the purposes of examining alternatives to mitigate traffic caused by the construction of the central artery/third harbor tunnel project. Said study shall include a review of alternatives relating to bus, transit, and water transportation services, as well as an examination of alternative auto routes, and fringe parking plans. Said study shall also include proposals for reducing construction impacts and developing programs to assist local property owners and tenants in areas adjacent to the project during the construction phase. Said executive office of transportation and construction shall report to the general court the results of said study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same on or before December thirtieth, nineteen hundred and eighty-eight, with the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means and the joint committee on transportation.

SECTION 35. The secretary of transportation and construction may provide financial assistance for the operation of demonstration inter-regional passenger rail services in Southeastern Massachusetts, on lines acquired by the commonwealth or on lines over which any railroad corporation may operate, in an amount not to exceed four million dollars; provided, however, that prior to the expenditure of said financial assistance, the comptroller shall certify that the secretary of transportation and construction has submitted a report to the house and senate committees on ways and means detailing five year revenue and expense projections, including estimated state expenditures, for the

operation of said passenger rail service.

SECTION 36. There is hereby appropriated from the General Fund the sum of four million dollars for the purpose of implementing section thirty-five of this act.

SECTION 37. The commissioner of education is hereby authorized and directed to expend a sum not to exceed six million dollars for the maintenance, repair, renovation and overhauling of the U.S.S. Massachusetts in Massachusetts, including the costs of dislocation, and any related costs, by the U.S.S. Massachusetts Memorial Committee, Inc. and for the temporary exhibition by said committee of said vessel in Boston, Massachusetts, including all costs of dislocation and exhibition and any related costs; provided, however, that said vessel shall be operated by said committee; provided, further, that all work authorized herein shall be performed in a Massachusetts shipyard.

SECTION 38. There is hereby appropriated from the General Fund the sum of six million dollars for the purpose of implementing section thirty-seven of this act.

SECTION 39. The department of public works shall prepare a report which provides an up-to-date status on the department's current and future capital improvement and maintenance projects. Said report shall be filed on a bi-monthly basis with the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means and to the joint committee on transportation.

SECTION 40. All sums expended either pursuant to, or for which reimbursement is made under this act, for the purposes of acquiring, constructing or altering public transportation passenger vehicles shall be expended in a manner that will make such vehicles fully accessible to persons with ambulatory physical disabilities; provided, however, that the secretary of the executive office of transportation and construction may waive, after notice of public hearing, compliance with such provisions in the event that, for the purpose of this section, alternative methods exist for providing transportation for persons with ambulatory physical disabilities. The provisions of the section shall not apply to passenger vehicles on the Massachusetts Bay Transportation Authority Green Line and Mattapan high speed line, so-called.

SECTION 41. Notwithstanding the provisions of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, the commissioner of public works may provisionally appoint in any fiscal year not more than one hundred persons who have received a bachelor's or master's degree in an appropriate engineering, environmental, architectural, or scientific discipline from an accredited college or university to serve in the titles of civil engineer I, environmental analyst I, game biologist I, chemist I; provided, however,

that upon request to the personnel administrator, the commissioner may appoint persons possessing said bachelor's or master's degrees to additional non-engineering professional titles in the first level of a class series within the statewide classification plan after a determination by the personnel administrator that the knowledges, skills, and abilities of such title are necessary to effectuate the purposes of the provisions of this act; provided, further, that no appointment may be made under this paragraph to a title for which the minimum entrance requirements as established by the personnel administrator include experience in addition to education. Following such provisional appointment, each person appointed under this paragraph, shall be subject to the provisions of chapter one hundred and fifty E of the General Laws, but shall not be subject to the provisions of chapter thirty-one of the General Laws except as otherwise provided herein; provided, further, that no such person shall be terminated or otherwise removed from such position as a result of the establishment or certification of a civil service eligible list for the title in which such person is employed. Each such person appointed under this paragraph or under subparagraph (1) of paragraph (c) of section two of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five shall be deemed eligible to take and shall take the first civil service examination for the title in which he is employed, the announcement for which is posted following such provisional appointment or the effective date of this act, whichever is later; provided, however, that in the case of engineering titles, each such person appointed under this paragraph shall within one year of his provisional appointment secure certification as an engineer-in-training or as a registered professional engineer by the board of registration of professional engineers and land surveyors as provided by the provisions of chapter one hundred and twelve of the General Laws. Upon receipt of a passing grade on the examination, a satisfactory performance evaluation as defined in section six A of said chapter thirty-one for a one year probationary period and, in the case of persons appointed to said engineering title, certification as an engineer-in-training or as a registered professional engineer, each such person appointed under this paragraph or under said subparagraph (1) of said paragraph (c) of said section two of said chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five shall be deemed to be appointed a civil service employee in accordance with the provisions of said chapter thirty-one; provided, however, that if a person appointed under this paragraph fails to take and pass the first appropriate civil service examination, and, where required fails to pass the engineer-in-training examination or professional engineer certification within one year of his provisional appointment, notwithstanding the provisions of any law or collective bargaining contract to the contrary, the commissioner shall terminate the employment of said person.

Notwithstanding the provisions of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, the commissioner may provisionally appoint no more than thirty persons who have received a bachelor's or master's degree in an appropriate environmental, architectural, scientific discipline from an accredited

college or university and who possesses the appropriate additional experience requirements as established by the personnel administrator to serve in titles of wildlife land acquisition coordinator, landscape architect, geologist, building inspector, ornithologist or construction coordinator I, or in titles above the first level of a class series of the statewide classification plan not described above after a determination by the personnel administrator that the knowledges, skills and abilities of such title is necessary to effectuate the purposes of the provisions of this act. Following his provisional appointment, each such person shall be subject to the provisions of chapter one hundred and fifty E of the General Laws, but shall not be subject to the provisions of said chapter thirty-one except as otherwise provided herein; provided, however, that no such person shall be terminated or otherwise removed from such position as a result of the establishment or certification of a civil service eligible list for the title in which such person is employed. Each person provisionally appointed under this paragraph shall be deemed eligible to take and shall take, the first civil service examination for the title in which he is employed, the announcement for which is posted following such provisional appointment or the effective date of this act, whichever is later. Each such person appointed under this paragraph, after a satisfactory performance evaluation as defined in section six A of said chapter thirty-one of a probationary period of one year and the receipt of a passing grade on the civil service examination, shall be deemed to be appointed a civil service employee in accordance with the provisions of said chapter thirty-one; provided, however, that if a person appointed under this paragraph fails to take and pass the first appropriate civil service examination, notwithstanding the provisions of any law or collective bargaining agreement to the contrary, the commissioner shall terminate the employment of said person.

Nothing in this section shall be construed to relieve the department of any appointment obligations pursuant to any relevant court orders or consent decrees. To the extent practicable, preference in initial appointments made pursuant to this section shall be given first to disabled veterans as defined in section one of said chapter thirty-one of the General Laws, second to veterans as defined in said section one of said chapter thirty-one, and third to all other qualified persons, including employees of the department having such degrees as are specified.

SECTION 42. The portion of state highway Route 9 in the towns of Natick, Framingham, and Wellesley and the city of Newton from the Wellesley town line to the intersection with Elliot Street shall be designated and known as Ted Williams Highway, in honor of Ted Williams, one of baseball's greatest players. The department of public works shall erect suitable markers along said highway bearing said designation in compliance with the standards of said department.

SECTION 43. For the purposes of this act, ten per cent of the construction money and at least five per cent of the total dollar value of contracts for supplies, equipment and contracts for services authorized for an executive office, agency, department, board or commission,

whichever is applicable, hereinafter referred to as the "recipient", shall be for disadvantaged business enterprises and shall be a goal or best effort. Disadvantaged business enterprise goals within the above limits shall be established by the secretary of transportation and construction based upon the overall capabilities of the disadvantaged business enterprises certified by the state office of minority and women business assistance established pursuant to the provisions of section forty-one of chapter twenty-three A of the General Laws.

Any business enterprise owned by one or more socially and economically disadvantaged individuals may apply to the state office of minority and women business assistance for determination of its disadvantaged business enterprise status.

For the purposes of this section the following words shall have the following meanings:- "Socially and economically disadvantaged individuals", those individuals who are citizens of the United States, or lawfully admitted permanent residents, and who are (a) "Women"; (b) "Black Americans", which includes persons having origins in any of the Black racial group of Africa; (c) "Hispanic Americans", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, Portuguese, or other Spanish culture or origin, regardless of race; (d) "Native Americans", which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; (e) "Asian-Pacific Americans", which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territory of the Pacific, and the Northern Marianas; (f) "Asian-Indian Americans", which includes persons whose origins are from India, Pakistan, and Bangladesh; (g) "Cape Verdean Americans", which includes persons whose origins are from Cape Verde, or (h) any other minorities or individuals found to be disadvantaged.

SECTION 44. Each executive office, agency, department, board and commission funded in this act shall certify to the comptroller on a quarterly basis, beginning in the fourth quarter of fiscal year nineteen hundred and eighty-eight, that all payments from the proceeds of the sale of bonds, notes or other funds authorized in this act, that have been made during the preceding quarter in the form of salaries, wages, benefits, reimbursements for services or other compensation to any person, whether an individual, corporation or association, were for duties and responsibilities primarily allocable to projects or undertakings authorized or substantially funded in this act. The secretary of administration and finance shall promulgate rules and regulations governing the criteria under which said applicable payments shall be authorized and permitted under this act, to be filed with the house and senate committees on ways and means on or by June first, nineteen hundred and eighty-eight.

The comptroller shall file a quarterly report, beginning with the fourth quarter of fiscal year nineteen hundred and eighty-eight, detailing the total number, and corresponding dollar amount, of employees and consultants compensated by each executive office, agency, department, board and commission from the sale of bonds, notes or other funds

authorized in this act, in the "01", "02", "03", and "07" subsidiary accounts, respectively.

SECTION 45. The Massachusetts Bay Transportation Authority shall file with the house and senate committees on ways and means and the joint committee on transportation no later than July thirty-first, nineteen hundred and eighty-eight, a plan relative to the establishment of Sunday service on said authority's commuter rail lines which originate or terminate at south station in the city of Boston.

SECTION 46. The secretary of the executive office of transportation and construction is hereby authorized and directed to conduct a study to determine the feasibility of renewed passenger service on the secondary rail lines in the Berkshire county. Said study shall be completed and filed with the clerk of the house of representatives no later than August first, nineteen hundred and eighty-eight.

SECTION 47. The division of state police is hereby authorized to expend a sum not to exceed nine hundred and twenty-five thousand dollars for the purchase of an emergency response vehicle and related equipment.

SECTION 47A. To meet the expenditures necessary in carrying out the provisions of section forty-seven of this act, 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, nine hundred and twenty-five thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Emergency Response Vehicle and Related Equipment Loan, Act of 1988, 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 one.

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 47B. 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 forty-seven of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal shall not be later than June thirtieth,

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.

SECTION 48. The department of public works is hereby authorized and directed to conduct an investigation and study of the feasibility of constructing a grade separation at Mahoney Circle in the city of Revere in order to improve the movement of vehicular traffic and reduce traffic congestion. Said department shall report the results of its investigation and study to the clerk of the house of representatives who shall forward the same to the joint committee on transportation and the mayor and city council of the city of Revere on or before June thirtieth, nineteen hundred and eighty-eight.

SECTION 48A. The department of public works is hereby authorized and directed to conduct an investigation and study of the feasibility of constructing the Revere Beach Connector, so-called, in the city of Revere. Said department shall report the results of its investigation and study to the clerk of the house of representatives who shall forward the same to the joint committee on transportation and the mayor and city council of the city of Revere on or before June thirtieth, nineteen hundred and eighty-eight.

SECTION 49. Prior to the commencement of any construction, reconstruction, rehabilitation, or work of any kind with funds from section thirty-two of this act, the Massachusetts Bay Transportation Authority shall cause to be made an environmental impact study of the Dorchester section of the city of Boston. The costs of said study shall be borne by the said authority from the proceeds provided by this act.

Said environmental impact study shall include a detailed statement of the vibrations, air quality, and noise impacts to a distance of one-half mile on either side of the railroad bed in the Dorchester section of said city.

SECTION 50. The Massachusetts Bay Transportation Authority is hereby authorized and directed to make an investigation and study relative to the feasibility of constructing an extension of the Needham Commuter Rail Line, so-called, from its present terminus at Route 128 to Route 495. Said authority shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and eighty-eight.

SECTION 51. The department of public works is hereby authorized and directed to study and to prepare plans, if necessary, to provide a safe means of pedestrian access across Route 1 in the town of Norwood in the vicinity of Dean street and Neponset street.

SECTION 52. Notwithstanding the provisions of any general law to the contrary, in any instance in which real property was taken by eminent domain and with respect to which taking a vote was taken prior to the effective date of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty in accordance with the provisions of section seven E of chapter eighty-one of the General Laws to sell the land back to the person from whom it was taken, such sale shall be completed without further authorization and shall be completed in accordance with the provisions of said section seven E of said chapter eighty-one; provided, however, that such sale shall be for fair market value.

SECTION 53. Section 3 of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "such", in line 6, the words:- may by its selectmen let or lease for not more than twenty-five years, real estate to the Massachusetts Bay Transportation Authority for use by the authority as a parking lot for commuters.

SECTION 54. Section 4 of chapter 80 of the General Laws, as so appearing, is hereby amended by inserting after the word "direct", in line 17, the words:- , or in the case of assessments relating to state funded projects, as the collector of taxes and the board determine.

SECTION 55. Section 13 of said chapter 80, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Assessments made by a board of the commonwealth under this chapter shall bear interest at one rate of five per cent per annum or, at the election of the board at a rate not to exceed two per cent above the rate of interest chargeable to the body politic on behalf of which the assessment was made, for the betterment project to which the assessments relate, from the thirtieth day after assessments have been committed to the collector. All other assessments made under this chapter shall bear interest at one rate of five per cent per annum or, at the election of the city or town at a rate equal to two per cent above the rate of interest chargeable to the city or town, for the betterment project to which the assessments relate, from the thirtieth day after assessments have been committed to the collector.

SECTION 56. Said section 13 of said chapter 80, as so appearing, is hereby further amended by inserting after the third sentence the following sentence:- In any case in which an assessment relates to a state-funded project, the apportionment or reapportionment described herein shall be undertaken in accordance with the terms aforesaid by the board on whose behalf the assessment was made; provided, however, that the apportionment shall be made of said assessments or unpaid balances together with any interest due thereon.

SECTION 57. The first paragraph of section 13B of said chapter 80, as so appearing, is hereby amended by inserting after the word "board", in line 2, the words:- of a county, city, town or district.

SECTION 58. Said first paragraph of said section 13B of said chapter 80, as so appearing, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences:- In any instance in which a board of the commonwealth makes an order for the assessment of any betterments, said board of the commonwealth may enter into a deferral and recovery agreement on its own behalf in accordance with the terms of this section. Any such application shall be filed with the appropriate board within six months after notice of such assessment has been sent out by the collector.

SECTION 59. The third paragraph of said section 13B of said chapter 80, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- The filing fee for any statement recorded on behalf of a board of the commonwealth shall be paid by the owner or owners of such real property. The filing fee for other such statements shall be paid by the city or town and shall be added to and become a part of the taxes due.

SECTION 60. Section 21 of chapter 81 of the General Laws, as so appearing, is hereby amended by striking out the last two sentences and inserting in place thereof the following two paragraphs:-

Any person who builds or expands a business, residential, or other facility intending to utilize an existing access or a new access to a state highway so as to generate a substantial increase in or impact on traffic shall be required to obtain a permit under this section prior to constructing or using such access. Said person may be required by the department to install and pay for, pursuant to a permit under this section, standard traffic control devices, pavement markings, channelization, or other highway improvements to facilitate safe and efficient traffic flow, or such highway improvements may be installed by the department and up to one hundred per cent of the cost of such improvements may be assessed upon such person.

The department may issue written orders to enforce the provisions of this section or the provisions of any permit, regulation, order, or approval issued under this section. Any person who violates any provision of this section or any permit, regulation, order or approval issued thereunder (a) shall be punished by a fine of not more than one thousand dollars per day for each such violation or (b) shall be subject to a civil penalty not to exceed one thousand dollars per day for each such violation; provided, however, that each day such violation occurs or continues shall be a separate offense. The superior court shall have jurisdiction, upon petition of the commissioner of the department, to enforce the provisions of this section or of any permit, regulation, order, or approval issued thereunder.

SECTION 61. Section 23 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Not more than two billion ninety million four hundred thousand dollars of bonds of the authority under clauses (1), (2), (3), and (4) shall be

outstanding at anytime; provided, however, that such funds are expended for capital projects; and provided, further, that any bonds which are redeemed on or after January first, nineteen hundred and ninety shall not be reissued.

SECTION 62. The first paragraph of section 28 of said chapter 161A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The portion of the net cost of service not to be so assessed, hereinafter called contract assistance, is limited to (a) the annual debt service on bonds issued prior to January first, nineteen hundred and seventy-one for which such contract assistance has been provided by contract, and the annual debt service on ninety per cent of the bonds issued thereafter, but not exceeding under this clause the debt service on one billion nine hundred fifty-eight million four hundred thousand dollars of bonds outstanding at any time, and (b) not more than a total of five million dollars to be paid to the authority for not more than one-half of the cost to the authority of agreements with railroads authorized by paragraph (2) of section twenty-three, and (c) not more than three million dollars annually to pay interest, principal and sinking fund requirements due upon indebtedness incurred or assumed by the authority issued to finance or refinance mass transportation facilities or equipment for express service; provided, however, that all facilities, title to which was transferred to the Metropolitan Transit Authority, pursuant to paragraph (d) of section eight A of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven shall be considered to be express service mass transportation facilities for the purpose of this clause; and provided, further that such indebtedness shall not be subject to the limitations contained in the following paragraph; and (d) ninety per cent of the lease payments arising from lease obligations of the authority providing for the long term use of mass transportation facilities and equipment.

SECTION 63. Section 4 of chapter 161C of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Subject to any other applicable provisions of law regarding the disposition and use of state property, the executive office may, in the course of exercising its responsibilities of property management of state-owned railroad rights-of-way pursuant to this chapter: (a) set fees for the processing of applications to lease, license, or otherwise use said property; and (b) charge rent for same. Said fees shall be based on the administrative costs necessary to process said applications. Said rents shall be calculated as required under other applicable requirements of state law. Receipts from said applications and rents shall be paid into the treasury of the commonwealth and may be expended, subject to appropriation, for the purpose of property management and maintenance on railroad properties owned by the executive office on behalf of the commonwealth.

SECTION 64. Section 4 of chapter 161D of the General Laws, as so appearing, is hereby amended by striking out clause (7) and inserting in

place thereof the following clause:-

(7) Vehicles shall not be used for the provision of services under contract to a public transportation authority as defined by chapters one hundred and sixty-one A or one hundred and sixty-one B unless: (a) carriers disclose to such authority the vehicles and lease payment schedules obtained under this chapter and (b) such authority assigns a fair market value to the capital and operational costs of said leased vehicles in evaluating proposals from carriers for contracts or other subsidies.

SECTION 65. Section 3 of chapter 701 of the acts of 1960 is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority shall maintain, replace, repair and reconstruct all existing wharf installations and structures and navigational safety structures in Nantucket Harbor as may be determined to be necessary for the operation safety of its terminals and all related structures and facilities.

SECTION 66. Chapter 765 of the acts of 1972 is hereby amended by striking out section 2C and inserting in place thereof the following section:-

Section 2C Pursuant to the provisions of section one, not less than twenty-five million dollars shall be expended for the plans, design, construction and reconstruction of state highway Route 146, and for such other purposes as the department may determine.

SECTION 67. Section 8 of chapter 859 of the acts of 1975 is hereby amended by striking out paragraph (d), as amended by section 9 of chapter 571 of the acts of 1980, and inserting in place thereof the following paragraph:-

(d) a sum not to exceed three million five hundred thousand dollars for the functional replacement of the Worcester YMCA, Greendale Branch, and for such other purposes as the department may determine.

SECTION 68. Item 6000-3200 of section 2 of chapter 199 of the acts of 1976 is hereby amended by inserting after the words "seventy-five", in line 3, the words:- or for purposes of implementing the provisions of section eighteen of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five.

SECTION 69. Section 3 of chapter 346 of the acts of 1977 is hereby amended by inserting after the word "branchlines", in line 7, the words:- or for purposes of implementing the provisions of section eighteen of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five.

SECTION 70. Section 2 of chapter 356 of the acts of 1977 is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) An amount not to exceed forty per cent in excess of the amount determined as the fair market value of the Church of the Nativity in the city of Chicopee as determined by the real estate review board, to be applied toward the functional replacement of said church, and for such other purposes as the department may determine.

SECTION 71. Chapter 800 of the acts of 1977 is hereby amended by inserting after the word "transportation", in line 19, the words:- ; and

(c) any portion of the sums described in clauses (a) and (b) for purposes of implementing the provisions of section eighteen of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five.

SECTION 72. Section 2A of chapter 480 of the acts of 1979 is hereby amended by striking out clause (d), as amended by section 12 of chapter 570 of the acts of 1980, and inserting in place thereof the following clause:-

(d) a sum not to exceed twelve million dollars for improvements to United States highway Route 1, in the city of Chelsea; provided, however, that said improvements shall not proceed until such time as the department and the Massachusetts Port Authority have entered into an agreement providing that said authority shall reimburse the department for the percentage of said improvements for which such route would have been eligible from the federal government had it not been considered by said federal government to be a portion of a toll-facility under the provisions of section 129 and 301 of Title 23 of the United States Code, and for such other purposes as the department may determine.

SECTION 73. Section 4 of chapter 487 of the acts of 1980, as most recently amended by section 39 of chapter 811 of the acts of 1985, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon the request of the governor, issue and sell at public or private sale, bonds or notes of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount specified by the governor from time to time, but not exceeding in the aggregate one hundred and forty million dollars.

SECTION 74. The first paragraph of section 32 of chapter 637 of the acts of 1983 is hereby amended by striking out the words "two thousand", inserted by section 40 of said chapter 811, and inserting in place thereof the words:- two thousand five hundred.

SECTION 75. Said first paragraph of said section 32 of said chapter 637 is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The amount of any such grant shall not exceed two hundred thousand dollars.

SECTION 76. Clause (l) of section 3 of chapter 811 of the acts of 1985

is hereby amended by striking out, in line 1, the word "five" and inserting in place thereof the word:- six.

SECTION 77. Section 9 of said chapter 811 is hereby amended by striking out, in line 6, the word "eighty-five" and inserting in place thereof the word:- eighty-six.

SECTION 78. Section 23 of said chapter 811 is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following three sentences:- Said secretary shall make, and from time to time revise, guidelines for the allocation and distribution of capital assistance funds made available for this purpose among the regional transit authorities; provided, however, that seventy-five per cent of such funds shall be expended only for projects for which the regional transit authorities have agreements with the federal government providing for funds of at least one-half of the estimated eligible cost of such projects or for expenditures that are preliminary to obtaining federal funds; and provided, further, that payments to regional transit authorities under the provisions of this paragraph shall be for the reimbursement of actual expenses incurred by said regional transit authorities on projects eligible under this paragraph, except that regional transit authorities shall be eligible to receive a direct grant under this paragraph if the regional transit authority certifies that said grant funds will be obligated within ninety days. Said secretary is authorized to take such actions as deemed necessary to carry out the provisions of this section. Said secretary shall report annually to the house and senate committees on ways and means on the status of the program.

SECTION 79. Said chapter 811 is hereby further amended by inserting after section 42 the following section:-

Section 42A. The commissioner of the metropolitan district commission may expend monies authorized in section one for expenditure by the metropolitan district commission, for the acquisition and improvement of support facilities to provide for the maintenance, security, protection and improvement of metropolitan parkways, bridges and adjoining properties.

SECTION 80. Item 7518-7871 of section 2B of chapter 206 of the acts of 1986 is hereby amended by inserting after the word "systems", in line 2, the words:- , and also including the improvement of parking lots and security lighting.

SECTION 81. Section 3 of chapter 262 of the acts of 1986 is hereby amended by inserting after the word "of", in line 6, the second time it appears, the words:- section one of.

SECTION 82. Section 1 of chapter 658 of the acts of 1986 is hereby amended by striking out, in lines 7 and 8, the words "capacity not to exceed five hundred seventy" and inserting in place thereof the words:- rated capacity of seven hundred and fifty.

SECTION 83. Said chapter 658 is hereby further amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. The replacement facility for the Suffolk county house of correction presently at Deer Island shall be constructed within the boundaries of the following site, the site being the approximately eleven and one-half acre parcel of land circumscribed as follows:

Beginning at the point of intersection of the easterly line of Bradston Street and the southerly line of Parcel 1029-1 as shown on the ward eight city of Boston assessor's plan no. 8003;

Thence, running westerly along the southerly line of Parcel 1029-1 across Bradston Street to its intersection with the westerly line of Bradston Street;

Thence, running northeasterly along the westerly line of Bradston Street to its intersection with the southerly line of the Southeast Expressway Southbound Entrance Ramp;

Thence, running southeasterly along the southerly line of the Southeast Expressway Southbound Entrance Ramp to its intersection with the northerly line of South Bay Avenue;

Thence, running westerly along the northerly line of South Bay Avenue to its intersection with the westerly line of Atkinson Street;

Thence, running southerly across South Bay Avenue along the westerly line of Atkinson Street to its intersection with the northerly line of the Boston Bridge Service Parcel 1027-9;

Thence, running westerly along the northerly line of the Boston Bridge Service Parcel 1027-9 crossing Parcel 1028 to its intersection with the easterly line of Parcel 1029-2;

Thence, running southerly along the easterly line of Parcel 1029-2 becoming the easterly line of Parcel 1029-1 to its intersection with the southerly line of Parcel 1029-1;

Thence running westerly along the southerly line of Parcel 1029-1 to the point of beginning.

The deputy commissioner of the division of capital planning and operations, shall determine the location of the replacement facility within said parcel, the precise configuration of which shall be determined by survey prior to transfer to be used by the commonwealth for the purposes described in this act. Said deputy commissioner is hereby authorized to acquire any and all property herein described by purchase, gift, land exchange, eminent domain, lease or otherwise, and to grant all related easements necessary for utilities and road access. The lands within said parcel that are acquired by the deputy commissioner are not subject to the licensing requirements established by chapter ninety-one of the General Laws pertaining to construction on formerly submerged tidelands.

The city of Boston is hereby authorized and directed to transfer, for nominal consideration, title to the commonwealth, in deed approved as to form by the attorney general, to all property owned by said city within the boundaries of the parcel herein described that is required by the deputy commissioner pursuant to this section, and to discontinue as public highways the westerly portion of South Bay Avenue from Bradston

Street to Atkinson Street and also the northerly portion of Bradston Street from Parcel 1029-1 to South Bay Avenue to the extent required for the purposes described in this act as determined by said deputy commissioner.

SECTION 84. The second paragraph of section 9 of said chapter 658 is hereby amended by striking out, in line 3, the words "an October, nineteen hundred and eighty-nine" and inserting in place thereof the words:- a December, nineteen hundred and ninety-one.

SECTION 85. Section 32 of chapter 564 of the acts of 1987 is hereby amended by adding the following paragraph:-

To ensure open and unimpeded public access to any of the parklands acquired under this section, the commissioner of the metropolitan district commission shall have the authority to take by eminent domain, in communities with a population of one hundred thousand or more, private or public property, including public ways, adjacent to said parklands; provided, however, that said authority granted to said commissioner under this section shall expire three years from the effective date of this act.

SECTION 86. Section 49 of chapter 584 of the acts of 1987 is amended by striking out, in line 9, the words "be eligible to",- by striking out, in line 13, the words "be eligible for" and inserting in place thereof the word "receive",- and by striking out the fourth sentence and inserting in place thereof the following sentence:- Any amount reimbursed to a municipality under this section shall not be considered in the determination of municipalities' costs and revenues for the purpose of recommending local aid amounts.

SECTION 87. Said chapter 584 is hereby further amended by inserting after section 49 the following section:-

Section 49A. Costs attributable to the installation of acid gas scrubbers shall include but not be limited to any monies expended by municipalities to transport and dispose of solid waste due to any temporary shutdown of a solid waste plant for the installation of statutory mandated acid gas scrubbers.

Sections 52, 65, 85, 86 and 87 disapproved; the remainder approved April 6, 1988.

Chapter 16. AN ACT EXEMPTING THE CITY OF LYNN FROM CERTAIN BUILDING PROCEDURES IN PROCURING MODULAR BUILDINGS FOR CLASSROOMS.

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn is hereby authorized to procure, in accordance with the provisions of this act, not more than twelve modular buildings for use as classrooms for the public school system of the city of Lynn.

As used in this act, the following words shall have, unless the context shall clearly require otherwise, the following meanings:-

"Modular Building", a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used for the shelter of persons or property, transportable in one or more section and affixed to a foundation.

"Procurement", the buying, purchasing, leasing or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws and sections forty-four A, forty-four B, and sections forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to this act.

If the purchasing agent determines that any offeror is not responsible or eligible, said purchasing agent shall reject any such offer in writing.

A contract awarded pursuant to this act which is for an amount or estimated amount greater than one hundred thousand dollars shall be subject to the provisions of section thirty-nine R of chapter thirty of the General Laws.

Said purchasing agent shall procure the modular buildings authorized by this act using competitive sealed proposals.

The request for the proposals shall include the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the city of Lynn; the purchase description and all evaluation criteria that will be utilized; and all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate documents by reference, provided that the request for proposals specified where prospective offerors may obtain such documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. Said purchasing agent shall make copies of the request for proposals available to all persons on an equal basis.

Every proposal shall be accompanied by a copy of a certificate of eligibility issued by the commonwealth pursuant to section forty-four D of chapter one hundred and forty-nine of the General Laws for the fabrication of modular buildings, together with an updated statement.

Public notice of the request for the proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the office of the clerk of said city, in the central register published by the state secretary and in such other

newspapers and trade periodicals as said purchasing agent customarily utilizes for the advertisement of construction contracts.

Said purchasing agent shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provision of section seven of chapter four of the General Laws, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals, said purchasing agent shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. Said purchasing agent may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

Said purchasing agent shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall be responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing, for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for the ratings; a composite rating for each proposal, and the reasons for the rating; and revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

Said purchasing agent shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time set for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in the manner prejudicial to the interests to the city of Lynn or fair competition. Said purchasing agent shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, said purchasing agent shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. Said purchasing agent may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

Said purchasing agent shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and evaluation criteria set forth in the request for proposals. Said purchasing agent shall award the contract by written notice to the

selected offeror within the time for acceptance specified in the request for the proposals. The parties may extend time for acceptance by mutual agreement. Said purchasing agent may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract.

If said purchasing agent awards the contract to an offeror who did not submit the lowest price, the purchasing agent shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed said city's actual needs or that the anticipated performance of the selected offeror justifies the additional cost.

Prior to execution of the contract, the selected offeror shall furnish to said purchasing agent a performance bond satisfactory to said purchasing agent in the sum of fifty per cent of the contract price.

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

Approved April 7, 1988.

Chapter 17. AN ACT AUTHORIZING THE TOWN OF DARTMOUTH AND THE CITY OF NEW BEDFORD TO ENTER INTO CERTAIN AGREEMENTS RELATIVE TO THE SUPPLY OF CERTAIN SERVICES AND REIMBURSEMENTS THEREFOR.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Dartmouth and the city of New Bedford are hereby authorized to enter into agreements for supplying water, sewer, police, fire, rescue, maintenance, ambulance and related services to the New Bedford Industrial Park, so called. Said agreement shall include a formula for reimbursements by the town of Dartmouth of a proportionate share of funds expended by said city of New Bedford in supplying such services to that portion of the said Industrial Park located in said town of Dartmouth.

Said agreements shall be subject to the approval of the selectmen of said town of Dartmouth and the city council of the said city of New Bedford and signed by the chief executive officer of said town and said city.

Approved April 13, 1988.

EMERGENCY LETTER: April 20, 1988 @ 4:10 P.M.

Chapter 18. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS.

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 National Association of Government Employees, Local R1-207 (Unit 6), by the collective bargaining agreement between the board of regents of higher education and the International Brotherhood of Police Officers, Local 432, at the University of Massachusetts, Amherst, by the memorandum of agreement between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6) for a certain class reallocation pursuant to Article 17 of the collective bargaining agreement between the parties, and by the memorandum of agreement between the commonwealth and the National Association of Government Employees, Locals R1-283, R1-290, R1-291, and R1-292 (Unit 1) for certain class reallocations pursuant to Article 17B of the agreement between the parties, 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 this purpose.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Collective Bargaining.

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	$257,000
1108-3646	For the purpose of meeting the commonwealth's obligations pursuant to the provisions of article twenty-four A of the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6)	$35,000

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 thecosts 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 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 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 an analysis of all cost items contained in said agreements and all changes to be made in the schedules of permanent and temporary positions required by said agreements, 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 $45,132

1599-3646 For a reserve to meet the fiscal year nineteen

hundred and eighty-eight cost of certain salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6), and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided that the personnel administrator, with the approval of the secretary for 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 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 said 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 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 no transfers shall be made as authorized herein without prior notification of the house and senate commit-

tees on ways and means $7,104,000

1599-3647 For a reserve to meet the cost of certain salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the International Brotherhood of Police Officers, Local 432, at the University of Massachusetts, Amherst 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 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 said 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 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 no transfer shall be made as authorized herein without prior notification of the house and senate committees on ways and means $296,676

Office for Children.

4130-0017 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of article thirteen C of the collective bargaining agreement between the common-

wealth and the National Association of Government Employees, Local R1-207 (Unit 6) provided, however, that no funds appropriated herein shall be expended for or in relation to child care or day care facilities, services, or benefits, except in accordance with a spending plan approved by the director of the office for children, after consultation with the director of the office of employee relations, and filed with the house and senate committees on ways and means prior to any such expenditure $50,000

SECTION 3. Section 2 of chapter 568 of the acts of 1987 is hereby amended by striking out item 1599-3618 and inserting in place thereof the following 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, all incumbents of offices and positions in the professional staffs serving under the governing boards of public institutions of higher education and all incumbents of offices and positions in the professional staff of the county cooperative extension service 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-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, 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 staff of the county cooperative extension service at the University of Massachusetts at Amherst; 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; provided, however, that not less than six hundred and nine thousand five hundred and seventy-eight dollars shall be expended for salary adjustments and other economic benefits for all incumbents of offices and positions in the professional staff of the county cooperative extension service at the University of Massachusetts at Amherst $13,513,000

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

Approved April 13, 1988.

Chapter 19. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO BORROW A CERTAIN SUM OF MONEY FOR THE CONSTRUCTION OF A WASTE TRANSFER STATION.

Be it enacted, etc., as follows:

SECTION 1. The town of Mashpee is hereby authorized to borrow an amount not to exceed two hundred and seventy-five thousand dollars under the provisions of clause (4A) of section seven of chapter forty-four of the General Laws for the construction of a solid waste transfer station in cooperation with the towns of Falmouth and Sandwich and the Massachusetts military reservation in said town of Sandwich, notwithstanding the location of said station in the town of Sandwich.

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

Approved April 14, 1988.

Chapter 20. AN ACT TO PROVIDE INCREASED DISCLOSURE OF MORTGAGE INFORMATION AND TIMELY APPROVAL OF APPLICATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide that the act providing for increased disclosure of mortgage information and timely approval of applications shall take effect on June first, nineteen hundred and eighty-eight, 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 728 of the acts of 1987 is hereby amended by adding

the following section:-

Section 2. The provisions of this act authorizing the commissioner of banks to promulgate rules and regulations, forms or notices shall take effect upon its passage; provided, however, that all other provisions shall take effect on June first, nineteen hundred and eighty-eight.

Approved April 14, 1988.

Chapter 21. AN ACT RELATIVE TO MEDEX INSURANCE.

Be it enacted, etc., as follows:

Section 7 of chapter 176B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first paragraph the following two paragraphs:-

A subscriber who is eligible for benefits supplemental to Part B of Title XVIII of the Social Security Act, as amended, under a nongroup medical service agreement, or a subscription certificate issued thereunder, or under a group medical service agreement shall be entitled to the benefits provided therein, including payments for the services of a participating or nonparticipating physician to be made by a medical service corporation to the subscriber or to the physician as such payments are made for the services under Part B of Title XVIII of the Social Security Act, as amended.

Nothing in this section shall be construed to allow a physician, who receives payment under a supplemental program of coverage to medicare, or other governmental programs, to charge to, or collect from, a subscriber or covered dependent any amount in excess of the maximum allowable compensation determined by the governmental agency administering such program as the basis for the government's payment thereunder to such physician.

Approved April 14, 1988.

EMERGENCY LETTER: April 27, 1988 @ 9:32 A.M.

Chapter 22. AN ACT FURTHER REGULATING THE POWERS OF THE STATE ARCHIVIST.

Be it enacted, etc., as follows:

Section 2 of chapter 9 of the General Laws is hereby amended by striking out the second sentence, as appearing in the 1986 Official Edition, and inserting in place thereof the following two sentences:- The archivist of the commonwealth shall, under the direction of the secretary, have charge of the noncurrent records of the commonwealth, particularly with regard to their custody, preservation, management, and when authorized, their destruction. The secretary shall operate and

supervise the archives museum and he shall utilize those records of historic value which are in the custody of the archivist for exhibition and education purposes.

Approved April 20, 1988.

Chapter 23. **AN ACT TO MAKE HEALTH SECURITY AVAILABLE TO ALL CITIZENS OF THE COMMONWEALTH AND TO IMPROVE HOSPITAL FINANCING.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 16 of chapter 6A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 35, the word "the" and inserting in place thereof the words:- the department of medical security, the acute hospital conversion board; the.

SECTION 2. Said chapter 6A is hereby further amended by striking out section 31, as so appearing, and inserting in place thereof the following section:-

Section 31. As used in sections thirty-two to one hundred and two, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Acute hospital", any hospital licensed under section fifty-one of chapter one hundred and eleven, and the teaching hospital of the University of Massachusetts Medical School, which contains a majority of medical-surgical, pediatric, obstetric, and maternity beds as defined by the department of public health.

"Approved gross inpatient service revenues", for any fiscal year shall be the total approved gross patient service revenues as defined in this chapter less actual gross outpatient service revenues for that year.

"Case mix", the description and categorization of a hospital's patient population according to relevant criteria approved by the commission such as: primary and secondary diagnoses, primary and secondary procedures, illness severity, patient age and source of payment.

"Case mix adjusted discharges", the sum of the cost weights of each discharge as stipulated in the current hospital agreement, and as adjusted for coding and grouper changes in order to insure comparability between years.

"Charge", the amount to be billed or charged by a hospital for each specific service within a revenue center.

"Commission", the rate setting commission established under section thirty-two.

"Community health centers", health centers operating in conformance with the requirements of section 330 of United States Public Law 95-626, as most recently amended by Public Law 97-35, and shall include all community health centers which file cost reports as requested by the commission.

"Comprehensive cancer center", the hospital of any institution so designated by the national cancer institute under the authority of Public Law 92-218, section 408(a)(b) and 42 United States Code, organized solely for the treatment of cancer, and offered exemption from the medicare diagnosis related group payment system under 42 Code of Federal Regulations, section 405.475(f).

"Disproportionate share hospital", any acute hospital that exhibits a payor mix where a minimum of sixty-eight per cent of the acute hospital's gross patient service revenue was attributable to Title XVIII and Title XIX of the federal Social Security Act and local and state government subsidy and free care and bad debt.

"Department of mental health approved special project", an approved determination of need project providing psychiatric services for voluntary and involuntary inpatients in need of intensive, twenty-four hours per day psychiatric and nursing care and supervision in a secure setting, which will primarily serve recipients of benefits under Title XIX and other public assistance programs and which is subject to an agreement between the provider of services and the department of mental health; provided, such agreement shall include but shall not be limited to provisions whereby such department will fully control admission to and discharge from such services; provided, further, any project approved by the department of mental health pursuant to section six of chapter one hundred and sixty-seven of the acts of nineteen hundred and eighty-seven shall be considered an approved determination of need project for purposes of this definition.

"Eligible person", a person who qualifies for financial assistance from a governmental unit in meeting all or part of the cost of general health supplies, care, social, rehabilitative or educational services and accommodations.

"Fiscal year", the twelve month period with reference to which a hospital keeps its accounts and which ends in the calendar year by which it is identified; provided, however, that acute hospitals with fiscal years ending on June thirtieth shall be governed in each fiscal year by the provisions of this chapter applicable to the immediately preceding fiscal year, and any reference to a particular fiscal year in this chapter shall be adjusted accordingly where appropriate for such hospitals.

"General health supplies, care, social, rehabilitative or educational services and accommodations", all supplies, care and services of medical, optometric, dental, surgical, podiatric, psychiatric, therapeutic, diagnostic, rehabilitative, educational, supportive or geriatric nature, including inpatient and outpatient hospital care and services, and accommodations in hospitals, sanatoria, infirmaries, convalescent and nursing homes, rest homes, facilities established, licensed, or approved pursuant to the provisions of chapter one hundred and eleven B, and similar institutions including those providing treatment, training, instruction and care of children and adults.

"Governmental unit", the commonwealth, any department, agency, board or commission of the commonwealth, and any political subdivision of the commonwealth.

"Gross patient service revenue", the total dollar amount of a

hospital's charges for services rendered in a fiscal year.

"Hospital", any hospital licensed under section fifty-one of chapter one hundred and eleven, the teaching hospital of the University of Massachusetts Medical School and any psychiatric facility licensed under section twenty-nine of chapter nineteen.

"Hospital agreement", an agreement between a nonprofit hospital service corporation and the hospital signatory thereto approved by the commission under section five of chapter one hundred and seventy-six A.

"Medicaid costs", reimbursable costs included in the basis of payment as calculated pursuant to the hospital agreement then in effect, exclusive of any costs attributable to: free care and bad debt expense or, in any hospital fiscal year beginning on or after October first, nineteen hundred and eighty-five, the uniform allowance for the statewide uncompensated care pool as calculated pursuant to section eighty-seven, price level depreciation in excess of historical cost depreciation, and costs of revaluation of assets associated with a transfer of ownership occurring on or after July eighteenth, nineteen hundred and eighty-four, which exceed those permitted by section 2314 of Public Law 98-369.

"Nonacute hospital", any hospital which is not an acute hospital.

"Nonmedicare gross inpatient service revenues", gross inpatient service revenues less gross inpatient service revenues associated with Title XVIII patients.

"Patient", any natural person receiving health care services from a hospital.

"Provider of health care services", any person, corporation, partnership, governmental unit, state institution or other entity which furnishes general health supplies, care, social, rehabilitative or educational services and accommodations to an eligible person.

"Purchaser", a natural person responsible for payment for health care services rendered by a hospital.

"Purchasers and third party payors who pay on the basis of charges", purchasers and third party payors excluding: Title XVIII and Title XIX, other government payors, and nonprofit hospital service corporations to the extent that payments by such corporation are reduced by the uniform differential.

"Revenue center", a functioning unit of a hospital which provides distinctive services to a patient for a charge.

"Sole community provider", any acute hospital which qualifies as a sole community provider under medicare regulations or under hospital agreement thirty.

"Specialty hospital", any acute hospital qualifying as exempt from the medicare prospective payment system regulations or any acute hospital which limits its admissions to patients under active diagnosis and treatment of eyes, ears, nose and throat, or to children or patients under obstetrical care.

"State institution", any hospital, sanatorium, infirmary, clinic and other such facility owned, operated or administered by the commonwealth, which furnishes general health supplies, care, social, rehabilitative or educational services and accommodations.

"Third-party payor", any entity, including, but not limited to, Title

XVIII and Title XIX programs, insurance companies, health maintenance organizations and nonprofit hospital service corporations but not including a purchaser, responsible for payment, either to the purchaser or the hospital, for health care services rendered by a hospital.

"Uniform differential", seventy-five one-thousandths.

SECTION 3. Said chapter 6A is hereby further amended by inserting after section 32A the following two sections:-

Section 32B. (a) Payment for Title XIX services provided by acute hospitals shall be established by the commission for each acute hospital at a percentage of approved charges determined in accordance with the provisions of paragraphs (b) and (c) except where such services are rendered pursuant to a selective product contract.

(b) For each acute hospital for each fiscal year beginning with fiscal year nineteen hundred and eighty-eight, the commission shall establish the percentage of charges to be paid to each hospital for Title XIX services to be equal to medicaid payments for fiscal year nineteen hundred and eighty-seven as determined in the final settlement for such hospital, divided by medicaid approved charges for such hospital for fiscal year nineteen hundred and eighty-seven. Medicaid approved charges for Title XIX inpatient services shall be calculated by dividing medicaid actual inpatient charges for fiscal year nineteen hundred and eighty-seven by the same fiscal year's ratio of actual nonmedicare gross inpatient service revenue divided by approved nonmedicare gross inpatient service revenue unadjusted for compliance. Medicaid approved charges for Title XIX outpatient services shall be considered equal to medicaid actual charges for Title XIX outpatient services for fiscal year nineteen hundred and eighty-seven. Until such time as final data for fiscal year nineteen hundred and eighty-seven is received by the commission, the medicaid payment percentage shall be based upon the most recent data available. Any such percentage computed pursuant to this paragraph shall be adjusted pursuant to paragraph (c). Notwithstanding the foregoing, in establishing rates of payment for Title XIX services provided by hospitals, the commission shall take into account the special circumstances of disproportionate share hospitals by adjusting such rates of payment in a manner to relieve the disproportionate burden of free care given by such hospitals.

(c) Notwithstanding any other provision of law to the contrary, Title XIX payments to acute hospitals shall, in the aggregate, not exceed an amount which conforms to any upper limit requirement imposed by Title XIX of the Social Security Act and defined by relevant provisions of the regulations promulgated by the health care financing administration, hereinafter referred to as HCFA. Prior to the commencement of each fiscal year, the commission shall determine any applicable upper limit requirement imposed by Title XVIII and Title XIX and the regulations promulgated thereunder by the HCFA. In the event that such limit is exceeded, the commission shall promulgate regulations pursuant to chapter thirty A which specify the manner by which hospitals' percentage rates of payment shall be adjusted so that Title XIX payments to acute hospitals do not exceed said upper limit.

(d) For hospitals which earned deficit revenue in fiscal year nineteen hundred and eighty-seven and whose approved fiscal year nineteen hundred and eighty-eight revenue was adjusted upward as a result of said deficit, a settlement shall occur at the end of fiscal year nineteen hundred and eighty-eight such that the hospital shall pay the department of public welfare an amount equal to Title XIX's percentage share of the upward adjustment, multiplied by the Title XIX percentage of charge calculated pursuant to paragraph (b).

(e) If the Title XIX payment methodology set forth in this section is not approvable by the health care financing administration, the commission is hereby authorized and directed to modify such methodology as may be required to secure health care financing administration approval; provided, however, that any such modified methodology shall have results as comparable as possible to those of the methodology prescribed herein.

Section 32C. There shall be established a separate fund to be known as the "medicare shortfall assistance fund". The purpose of this fund shall be to provide compensation to acute hospitals for shortfalls in medicare payments resulting from annual changes in medicare rates which are less than the rate of inflation as measured by the health care financing administration market basket projection. For purposes of calculating shortfalls, each year's prospective payment system rate shall be compared to the prospective payment system rate which was effective for said hospital in the hospital's fiscal year immediately preceding the effective date of this section. In calculating prospective payment system rates, all adjustment factors shall be included. The Massachusetts hospital association shall annually submit to the rate setting commission a plan for the calculation of said shortfall and the distribution of monies from said fund. The amount available for distribution from said fund shall not exceed fifty million dollars for each year.

The state treasurer shall receive and be the custodian of funds appropriated for the medicare shortfall assistance fund. Such funds shall be distributed in accordance with methods and procedures adopted by the rate-setting commission giving weight to the plan submitted by the Massachusetts hospital association.

SECTION 4. Section thirty-four A of said chapter six A is hereby repealed.

SECTION 5. Section 43 of said chapter 6A, as appearing in the 1986 Official Edition, is hereby amended by striking out the second sentence.

SECTION 6. Sections fifty to fifty-eight, inclusive, of said chapter six A are hereby repealed.

SECTION 7. Said chapter 6A is hereby further amended by striking out section 59, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 59. Any company authorized to sell accident and health

insurance under chapter one hundred and seventy-five, or any nonprofit hospital service corporation or health maintenance organization may apply to the commission for a discount from the charges it would otherwise be required to pay under sections seventy-eight to one hundred and two, inclusive, of this chapter. The commission shall grant a discount from charges on a prospective basis if it finds that the applicant has implemented an activity or program resulting in quantifiable savings to acute hospitals.

SECTION 8. Clause (b) of paragraph B of section 60 of said chapter 6A, as so appearing, is hereby amended by striking out, in lines 33 and 34, the words:-, as adjusted for productivity in accordance with sections fifty-one A and fifty-two.

SECTION 9. Section sixty-one of said chapter six A is hereby repealed.

SECTION 10. Said chapter 6A is hereby further amended by striking out section 63, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 63. Every acute hospital shall file with the commission within ninety days after the beginning of the fiscal year and at least once during the fiscal year, as deemed appropriate by the commission, a summary of revenues, costs and such statistical information as the commission may require in order to document the relationship of actual nonmedicare gross inpatient service revenue to approved nonmedicare gross inpatient service revenue, so that the commission may determine the extent to which excess revenue or deficit revenue was generated for such fiscal year. For this purpose, excess revenue for each fiscal year shall equal the amount by which actual nonmedicare gross inpatient service revenues exceed approved nonmedicare gross inpatient service revenues for such fiscal year, and deficit revenue shall equal the amount by which approved nonmedicare gross inpatient service revenues exceed actual approved nonmedicare gross inpatient service revenues for such fiscal year.

SECTION 11. Section sixty-three A of said chapter six A is hereby repealed.

SECTION 12. The first paragraph of section 65 of said chapter 6A, as appearing in the 1986 Official Edition, is hereby amended by striking out the second sentence.

SECTION 13. Said section 65 of said chapter 6A, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 14. Section 67 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 11, the word "seventy-two" and inserting in place thereof the words:- one hundred and two.

SECTION 15. Sections sixty-eight and sixty-eight A of said chapter

six A are hereby repealed.

SECTION 16. The first paragraph of section 70 of said chapter 6A, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 2, the words "fifty to sixty-nine" and inserting in place thereof the words:- seventy-eight to one hundred and two.

SECTION 17. Section 73 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, the words "fifty to seventy-two" and inserting in place thereof the words:- seventy-eight to one hundred and two.

SECTION 18. Sections seventy-four and seventy-five of said chapter six A are hereby repealed.

SECTION 19. The first paragraph of section 76 of said chapter 6A, as appearing in the 1986 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:- The amount of assistance for uninsured individuals for each fiscal year, subject to appropriation, shall be the amount provided in uncompensated care by the community health centers for the preceding fiscal year according to a distribution formula to be developed by the commission, after consultation with the Massachusetts league of community health centers and other interested parties.

SECTION 20. Said chapter 6A is hereby further amended by adding the following twenty-eight sections:-

Section 78. For all acute-care hospitals, excluding any comprehensive cancer center as defined in section thirty-one and any acute-care hospital which predominantly limits its admissions to patients under active diagnosis and treatment of eye, ears, nose and throat, approved gross patient service revenues for fiscal years nineteen hundred and eighty-eight, nineteen hundred and eighty-nine, nineteen hundred and ninety, and nineteen hundred and ninety-one, shall be determined in accordance with the provisions of sections seventy-nine through eighty-eight.

Any comprehensive cancer center may, at its option, elect to be exempt from sections seventy-nine to eighty-eight, inclusive, and establish, prospectively and retrospectively, its approved gross patient service revenues, its Blue Cross rate of payment and compliance with approved gross patient service revenues in accordance with section ninety-nine.

Any hospital which predominantly limits its admissions to patients under active diagnosis and treatment of eye, ears, nose and throat, may, at its option, elect to be exempt from sections seventy-nine to eighty-eight, inclusive, and establish, prospectively and retrospectively, its approved gross patient service revenue, its Blue Cross rate of payment and compliance with approved gross patient service revenues in accordance with section one hundred.

Every acute hospital shall establish its charges in accordance with the

provisions of this chapter. The charges established by an acute hospital for health care services rendered shall be uniform for all patients receiving comparable services.

Section 79. In addition to the adjustments prescribed in sections eighty to eighty-two A, inclusive, the patient care costs of certain hospitals shall be adjusted as described in paragraphs (a), (b) and (c) as follows:

(a) For fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine, the patient care costs of certain hospitals shall be adjusted to incorporate a "low base cost adjustment" pursuant to the distribution methodology set forth in sections eighty-nine to ninety-eight, inclusive. Notwithstanding the provisions of said sections eighty-nine to ninety-eight, inclusive, the commission shall ensure that the sum of all individual hospital adjustments pursuant to this paragraph shall increase the projected payments from purchasers and third-party payors who pay on the basis of charges and a hospital service corporation by fifty-five million dollars for fiscal year nineteen hundred and eighty-eight; and by forty million dollars, multiplied by one plus the fiscal year nineteen hundred and eighty-eight inflation adjustment pursuant to paragraph (d) of section eighty, for fiscal year nineteen hundred and eighty-nine.

(b) For fiscal years nineteen hundred and eighty-nine, nineteen hundred and ninety, and nineteen hundred and ninety-one, the patient care costs of certain hospitals shall be adjusted to incorporate a "prospective payment system price reduction adjustment" made pursuant to a distribution methodology adopted by the rate setting commission giving weight to the plan submitted by the Massachusetts Hospital Association pursuant to section thirty-two C. The purpose of said adjustment shall be to compensate acute hospitals for those shortfalls in medicare payments for which such hospitals are not compensated pursuant to section thirty-two C. Said distribution plan shall identify every hospital which is to receive this adjustment and shall specify, for each hospital, an amount of projected net patient service revenue which is to be received from a hospital service corporation and purchasers and third party payors who pay on the basis of charges. Said distribution plan shall be submitted to the commission by September first of each year and the commission shall ensure that the sum of all individual hospital adjustments shall increase the projected payments from purchasers and third-party payors who pay on the basis of charges and a hospital service corporation by an amount not to exceed twenty million dollars each year.

(c) Notwithstanding the provisions of paragraph (a) or of sections ninety and ninety-one, for fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine, the patient care costs of Whidden Hospital shall be adjusted to incorporate a "low cost case mix adjustment" calculated pursuant to a distribution methodology set forth in section ninety-eight A. The commission shall ensure that the adjustment pursuant to this paragraph shall increase the projected payments from purchasers and third party payors who pay on the basis of charges and a hospital service corporation by one-half the amount of the adjustment provided by said section ninety-eight A for fiscal year

nineteen hundred and eighty-eight, and by one-half the amount of the adjustment provided by said section ninety-eight A, multiplied by one plus the fiscal year nineteen hundred and eighty-eight inflation adjustment, for fiscal year nineteen hundred and eighty-nine.

Section 80. For fiscal year nineteen hundred and eighty-eight, patient care costs for each acute hospital shall be determined in accordance with the following provisions and calculations:

(a) The fiscal year nineteen hundred and eighty-seven total patient care costs shall include the following provisions:

(i) all hospital agreement twenty-nine base year adjustments and exceptions shall be included at the amount approved or audited by the commission as of December eleventh, nineteen hundred and eighty-seven, except that where a formal settlement agreement was executed between Blue Cross and the hospital prior to December eleventh, nineteen hundred and eighty-seven, the amounts included in said settlement shall be the amounts included in this adjustment;

(ii) absent a commission approved amount as of December eleventh, nineteen hundred and eighty-seven, the amount to be included shall be that amount formally recommended for approval by Blue Cross and included as an adjustment to the appropriate year's hospital agreement twenty-nine year end maximum allowable cost report or as formally agreed to in writing by Blue Cross and the hospital as of April first, nineteen hundred and eighty-eight. No other adjustment shall be made;

(iii) the hospital agreement twenty-nine disputes of Baystate Medical Center, Marlborough Hospital and Goddard Memorial Hospital formally filed prior to December eleventh, nineteen hundred and eighty-seven, when they are resolved, and the hospital agreement twenty-nine dispute of Lawrence Memorial Hospital of Medford when it is resolved. No other adjustment shall be made;

(iv) all hospital agreement thirty recurring base year adjustments and exceptions approved by the commission. The commission shall within one hundred and eighty days after final passage of this act resolve all outstanding hospital agreement thirty base year adjustments and exceptions. Hospitals shall retain the right to appeal any commission disallowances of hospital agreement thirty exceptions and base year adjustments to the division of administrative law appeals;

(v) the commission shall complete all outstanding audits as of September first, nineteen hundred and eighty-eight. The nineteen hundred and eighty-seven maximum allowable cost shall be adjusted to reflect the effects of all resolved audits. Hospitals shall retain the right to appeal audit adjustments to the division of administrative law appeals;

(vi) fiscal year nineteen hundred and eighty-seven total patient care costs as calculated pursuant to hospital agreement thirty schedule A.O, line twelve of year-end per-review filing and as adjusted by the provisions stipulated in subparagraphs (i) through (v) of this paragraph shall be further adjusted by subtracting lines nine, ten and eleven of said schedule A.O, as adjusted. This result multiplied by ninety-four and twelve hundredths per cent shall constitute fiscal year nineteen hundred and eighty-seven maximum allowable costs.

(b) Said maximum allowable costs shall be further adjusted in such a

manner as to ensure that the projected payments of a hospital service corporation and purchasers and third party payors who pay on the basis of charges will include the amount of net revenue adjustment, if any, provided pursuant to paragraphs (a) and (c) of section seventy-nine.

(c) Said fiscal year nineteen hundred and eighty-seven maximum allowable costs shall be further adjusted by adding or subtracting, as appropriate, one-half of the difference between the inpatient services volume allowance provided in line eight of schedule A.O of the nineteen hundred and eighty-seven year-end filing per-review appendix D maximum allowable cost report and a revised inpatient services volume allowance calculated on the basis of formulas contained in hospital agreement thirty, but utilizing a marginal cost allowance of one hundred per cent. Both the original fiscal year nineteen hundred and eighty-seven inpatient services volume allowance and the revised fiscal year nineteen hundred and eighty-seven inpatient services volume allowance shall be calculated using a conversion program which corrects for inconsistencies resulting from coding and grouper changes between fiscal year nineteen hundred and eighty-four and fiscal year nineteen hundred and eighty-seven.

The following hospitals: Cape Cod, Martha's Vineyard, Nantucket Cottage, North Adams Regional, North Shore Children's and Saint Margaret's shall be exempted from said volume adjustment if an election is made upon execution of the successor agreement to hospital agreement thirty to continue to use the hospital agreement thirty inpatient volume adjustment allowances pursuant to paragraph (f).

(d) Fiscal year nineteen hundred and eighty-seven maximum allowable costs as adjusted pursuant to paragraphs (a) through (c) shall then be multiplied by the fiscal year nineteen hundred and eighty-eight inflation adjustment. Said inflation adjustment shall be equal to the sum of: (i) the composite inflation factor calculated in accordance with the methodology described in hospital agreement thirty utilizing May inflation projections, or February inflation projections in the case of hospitals with fiscal years ending on June thirtieth, and (ii) two one-hundredths. Revenue attributable to said two one-hundredths shall provide for certain wage increases for technicians, nurses, nursing aides, orderlies and attendants. No carry forward of underprojections or overprojections from the preceding year shall be included.

(e) Said fiscal year nineteen hundred and eighty-seven maximum allowable costs, as adjusted pursuant to paragraphs (b) through (d), shall be further adjusted, if necessary, to increase them to an amount equal to fiscal nineteen hundred and eighty-seven maximum allowable costs determined pursuant to paragraph (a) multiplied by a factor of one and forty-six thousandths.

(f) Fiscal year nineteen hundred and eighty-seven maximum allowable costs determined pursuant to paragraph (d) or (e), as applicable, shall be further adjusted by incorporating a nineteen hundred and eighty-eight volume adjustment which shall be calculated in accordance with the following conditions:

(i) all inpatient and outpatient volume adjustments shall utilize the same statistics as were utilized in hospital agreement thirty to measure

volume changes and shall be computed on a cost base which has been adjusted for the level of productivity included in the last year of hospital agreement thirty;

(ii) the inpatient, routine outpatient, surgical day care, and emergency service volume adjustments shall be calculated on the basis of a marginal cost allowance of one hundred per cent and there shall be no corridors applied;

(iii) the outpatient ancillary service volume adjustments shall be calculated on the basis of a marginal cost allowance of sixty per cent and there shall be no corridors applied;

(iv) in determining the inpatient volume allowance for fiscal years nineteen hundred and eighty-eight through nineteen hundred and ninety-one, the statistical base shall be case-mix adjusted discharges, including all transfers of inpatients from an acute hospital to another facility.

The commission shall ensure that the changes in volume are calculated in such a way as to accurately adjust for any coding and grouper changes which have been implemented; and to accurately account for discharges assigned a zero weight under the New Jersey weighting system. Such adjustments may take one or more than one of the following forms but shall not be limited to the options outlined: (a) restatement of all fiscal years into a form consistent with the coding principles and grouper utilized in fiscal year nineteen hundred and eighty-four or nineteen hundred and eighty-seven; (b) restatement of the rate year into a form consistent with the coding principles and grouper utilized in the year preceding the rate year; (c) restatement of the rate year and year preceding the rate year to account for any updates made by the state of New Jersey in its weighting system which more appropriately reflect the coding principles and grouper being utilized; and (d) development by Blue Cross and the Massachusetts hospital association of weights for discharges assigned a zero weighting under the New Jersey system.

In carrying out its rights and responsibilities granted under this paragraph, the commission must inform hospitals by no later than April thirtieth of the rate year, how the change in case mix adjusted discharges is to be measured for that year. Said determination shall be made only after a series of public hearings has taken place and the commission shall consider the comments of all interested parties in making its final determination.

If Blue Cross and the Massachusetts hospital association have failed to agree on a methodology for deriving weights for discharges assigned a zero weighting by June thirtieth of the rate year, hospitals may submit individual methodologies to the commission for approval and subsequent incorporation.

(v) the following hospitals: Cape Cod, Martha's Vineyard, Nantucket Cottage and North Adams Regional, may elect to participate under the terms and conditions as described in volume option one of hospital agreement thirty. The downside corridors under this volume options shall be twenty-eight per cent, thirty-five per cent, forty-two per cent and forty-nine per cent in fiscal years nineteen hundred and eighty-eight through nineteen hundred and ninety-one respectively;

(vi) the following hospitals: North Shore Children's and St. Margaret's, may elect to continue under the volume adjustment as defined as volume option two in hospital agreement thirty. The downside corridors under this volume options shall be ten per cent, twelve per cent, fourteen per cent and sixteen per cent in fiscal years nineteen hundred and eighty-eight through nineteen hundred and ninety-one respectively.

The amount of fiscal year nineteen hundred and eighty-seven maximum allowable costs, as adjusted pursuant to paragraphs (a) through (f), shall be termed the "fiscal year nineteen hundred and eighty-eight adjusted prior year costs".

(g) Fiscal year nineteen hundred and eighty-seven maximum allowable costs as adjusted pursuant to paragraph (f) shall be further adjusted by adding fiscal year nineteen hundred and eighty-eight depreciation, amortization, interest, determination of need capital cost and other capital costs defined pursuant to hospital agreement thirty. The fiscal year nineteen hundred and eighty-eight dollar amount of said depreciation, amortization, interest, determination of need capital costs and other capital costs that was subject to productivity adjustment in the last year of hospital agreement thirty shall be multiplied by ninety-four and twelve one-hundredths per cent. The remaining fiscal year nineteen hundred and eighty-eight dollar amount shall be allowed in full. The sum of the productivity adjusted portion and the amount allowed in full shall be the adjustment.

(h) Said fiscal year maximum allowable costs shall be further adjusted by adding any incremental costs incurred subsequent to October first, nineteen hundred and eighty-seven associated with government-mandated requirements mandated subsequent to October first, nineteen hundred and eighty-six and approved by the commission. For purposes of this paragraph, government-mandated requirements shall mean the incremental costs for each acute-care hospital resulting from its compliance with any governmental requirement whether established by statute, regulation or governmental ordinance and shall be allowed on the basis of incurred costs.

(i) Said fiscal year nineteen hundred and eighty-seven adjusted maximum allowable costs shall be further adjusted by adding any incremental operating costs associated with approved determination of need projects. Said costs shall be subject to commission approval pursuant to criteria utilized during the term of hospital agreement thirty. In addition, in the case of the department of mental health's approved special projects, the maximum allowable costs shall be further adjusted by an amount, to be determined by the commission, which will provide an incentive for hospitals to undertake said projects, provided that said incentive adjustment shall in no case exceed ten per cent of incremental operating costs.

(j) Said fiscal year nineteen hundred and eighty-seven maximum allowable costs shall be further adjusted to incorporate actual malpractice costs, and sick, vacation and earned time accruals, which are applicable in accordance with provisions contained in hospital agreement thirty. The fiscal year nineteen hundred and eighty-eight

dollar amount of actual malpractice costs and sick, vacation and earned time accruals that was subject to productivity adjustment in the last year of hospital agreement thirty shall be multiplied by ninety-four and twelve one-hundredths per cent. The remaining fiscal year nineteen hundred and eighty-eight dollar amount shall be allowed in full. The sum of the productivity adjusted portion and the amount allowed in full shall be the adjustment.

(k)(i) Fiscal year nineteen hundred and eighty-seven maximum allowable costs, as adjusted pursuant to paragraphs (a) to (j), inclusive, shall constitute fiscal year nineteen hundred and eighty-eight patient care costs for purposes of determining fiscal year nineteen hundred and eighty-eight approved gross patient service revenue pursuant to section eighty-three.

(ii) Each acute hospital which receives an adjustment pursuant to paragraph (b) or (c) shall expend a sufficient portion of its fiscal year nineteen hundred and eighty-eight approved gross patient service revenues upon expenditures in the six nonmanagement labor categories so designated under schedule C.1.O of appendix D of hospital agreement thirty to ensure that the hospital will not be subject to a labor cost recovery pursuant to section eighty-two.

Section 80A. Except as otherwise provided for in section one hundred and one, a hospital which had an inpatient volume decline of twenty per cent or more from fiscal year nineteen hundred and eighty-four through fiscal year nineteen hundred and eighty-seven and which operated at an occupancy rate of fifty per cent or less in fiscal year nineteen hundred and eighty-seven, shall not be entitled to the adjustment described in paragraph (a) or (c) of section seventy-nine or to the adjustment described in paragraph (e) of section eighty. For the purposes of this section, volume decline shall be measured using case-mix adjusted discharges calculated in the same manner as in paragraph (e) of section eighty, and occupancy rate shall be measured using total fiscal year nineteen hundred and eighty-seven patient days for all services divided by the number of licensed end beds multiplied by three hundred and sixty-five. Licensed beds shall be calculated by taking the number of end beds as reported in rate setting commission form 403, schedule III, column 4, line 14 and subtracting any beds reduced or converted by any determination of need approved or on file as of January first, nineteen hundred and eighty-eight, and further subtracting any beds temporarily removed from service if such removal has been granted by the department of public health pursuant to licensure rules and regulations for hospitals, Code of Massachusetts Regulations, section 130.121(C)(D), and if such removal was effective prior to October first, nineteen hundred and eighty-seven. Occupancy rate shall be calculated by taking the total patient days as reported on rate setting commission form 403, schedule III, column 6, line 14 and dividing by the product of end beds, as hereinbefore described, times three hundred and sixty-five expressed as a percentage.

Except as otherwise provided for in section one hundred and one, an institution which experienced an occupancy rate of forty per cent or less in fiscal year nineteen hundred and eighty-seven shall not be entitled to

the adjustment described in paragraph (a) or (c) of section seventy-nine or to the adjustment described in paragraph (e) of section eighty. Occupancy rate shall be measured as described in the preceding paragraph.

Notwithstanding the foregoing, the following types of hospitals shall be entitled to the adjustments described in paragraphs (a) and (c) of section seventy-nine and paragraph (e) of section eighty regardless of their rates of volume decline or occupancy: (1) a sole community provider; (2) a specialty hospital; or (3) a comprehensive cancer center.

Section 81. For fiscal year nineteen hundred and eighty-nine, patient care costs for each acute hospital shall be determined in accordance with the following provisions:

(a) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs for each acute hospital shall be adjusted to reflect the incremental costs of prior year recurring determination of need exceptions which represent full year costs.

(b) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs shall be further adjusted in such a manner as to ensure that the projected payments of a hospital service corporation and third party payors who pay on the basis of charges will include the amount of net revenue adjustment, for fiscal year nineteen hundred and eighty-nine, if any, provided pursuant to paragraphs (a) and (c) of section seventy-nine.

(c) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs shall be further adjusted by adding or subtracting, as appropriate, one-half of the difference between the inpatient services volume allowance and the revised inpatient services volume allowance calculated pursuant to paragraph (c) of section eighty, multiplied by the fiscal year nineteen hundred and eighty-eight inflation adjustment as determined pursuant to paragraph (d) of said section eighty.

The following hospitals: Cape Cod, Martha's Vineyard, Nantucket Cottage, North Adams Regional, North Shore Children's and St. Margaret's shall be exempted from said volume adjustment if an election was made in fiscal year nineteen hundred and eighty-eight to continue under the hospital agreement thirty inpatient volume adjustment allowances as described in paragraph (f) of said section eighty.

(d) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs, as adjusted pursuant to paragraphs (a) to (c), inclusive, shall then be multiplied by the fiscal year nineteen hundred and eighty-nine inflation adjustment. Said inflation adjustment shall be equal to the sum of: (i) the composite inflation factor calculated in accordance with the methodology described in hospital agreement thirty utilizing May inflation projections, or February inflation projections in the case of hospitals with fiscal years ending on June thirtieth, and (ii) one one-hundredth. Revenue attributable to said one one-hundredth shall provide for certain wage increases for technicians, nurses, nursing aides, orderlies and attendants. No carry forward of underprojections or overprojections from the preceding year shall be included.

(e) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs shall be further adjusted in such a manner as to ensure that the

projected payments of a hospital service corporation and purchasers and third party payors who pay on the basis of charges will include the amount of net revenue adjustment, if any, provided pursuant to paragraph (b) of section seventy-nine.

(f) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs as adjusted pursuant to paragraphs (a) to (e), inclusive, shall be further adjusted by incorporating a nineteen hundred and eighty-nine volume adjustment which shall measure volume changes between fiscal year nineteen hundred and eighty-eight and fiscal year nineteen hundred and eighty-nine and which shall be calculated in accordance with the conditions prescribed in paragraph (f) of section eighty.

The resultant amount shall be termed the "fiscal year nineteen hundred and eighty-nine adjusted prior year costs".

(g) Said fiscal year nineteen hundred and eighty-nine adjusted prior year costs shall be further adjusted by adding fiscal year nineteen hundred and eighty-nine depreciation, amortization, interest, determination of need capital costs and other capital costs defined pursuant to hospital agreement thirty. The fiscal year nineteen hundred and eighty-nine dollar amount of said depreciation, amortization, interest, determination of need capital costs and other capital costs that was subject to productivity adjustment in the last year of hospital agreement thirty shall be multiplied by ninety-four and twelve one-hundredths per cent. The remaining fiscal year nineteen hundred and eighty-nine dollar amount shall be allowed in full. The sum of the productivity adjusted portion and the amount allowed in full shall be the adjustment.

(h) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs shall be further adjusted by adding any incremental costs associated with government mandated requirements as defined in paragraph (h) of section eighty.

(i) Fiscal nineteen hundred and eighty-eight adjusted prior year costs shall be further adjusted by adding any incremental operating costs associated with approved determination of need projects implemented in fiscal year nineteen hundred and eighty-nine. Said costs shall be subject to commission approval pursuant to criteria utilized during the term of hospital agreement thirty. In addition, in the case of the department of mental health's approved special projects, the maximum allowable costs shall be further adjusted by an amount, to be determined by the commission, which will provide an incentive for hospitals to undertake said projects, provided that said incentive adjustment shall in no case exceed ten per cent of incremental operating costs.

(j) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs shall be further adjusted to incorporate actual fiscal year nineteen hundred and eighty-nine malpractice costs, and sick, vacation, and earned time accruals which are applicable in accordance with provisions contained in hospital agreement thirty. The fiscal year nineteen hundred and eighty-nine dollar amount of actual malpractice costs and sick, vacation and earned time accruals that was subject to productivity adjustment in the last year of hospital agreement thirty shall be multiplied by ninety-four and twelve one-hundredths per cent. The

remaining fiscal year nineteen hundred and eighty-nine dollar amount shall be allowed in full. The sum of the productivity adjusted portion and the amount allowed in full shall be the adjustment.

(k) Each acute hospital shall report to the commission its actual expenses during fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight for each of the six nonmanagement labor categories so designated under schedule C.1.O of appendix D of hospital agreement thirty.

(l)(i) Fiscal year nineteen hundred and eighty-eight adjusted prior year costs, as adjusted pursuant to paragraphs (a) to (j), inclusive, shall constitute fiscal year nineteen hundred and eighty-nine patient care costs for purposes of determining fiscal year nineteen hundred and eighty-nine approved gross patient service revenues pursuant to section eighty-three.

(ii) Each acute hospital which receives an adjustment pursuant to paragraph (b) or (c) shall expend a sufficient portion of its fiscal year nineteen hundred and eighty-nine approved gross patient service revenues upon expenditures in said six nonmanagement labor categories to ensure that the hospital will not be subject to a labor cost recovery pursuant to section eighty-two.

Section 82. For fiscal year nineteen hundred and ninety patient care costs for each acute hospital shall be determined in a manner consistent with section eighty-one exclusive of paragraphs (b) and (c), and substituting "fiscal year nineteen hundred and eighty-nine" and "fiscal year nineteen hundred and ninety", respectively, for "fiscal year nineteen hundred and eighty-eight" and "fiscal year nineteen hundred and eighty-nine" where appearing in section eighty-one.

Fiscal year nineteen hundred and ninety approved revenues of any hospital which received an adjustment pursuant to paragraph (b) or (c) of section eighty or paragraph (b) or (c) of section eighty-one shall be further adjusted by subtracting a labor cost recovery, if any. The labor cost recovery shall be determined as follows:

(a)(i) The fiscal year nineteen hundred and eighty-nine actual expenses for each of the six nonmanagement labor categories so designated under schedule C.1.O of appendix D of hospital agreement thirty shall be adjusted by subtracting the product of the inflation adjustments associated with said categories which were provided pursuant to paragraph (d) of section eighty and paragraph (d) of section eighty-one, multiplied by the percentage of total gross patient service revenue attributable to purchasers and third party payors who pay on the basis of charges and a hospital service corporation; the results shall then be summed for all six such categories.

(ii) The fiscal year nineteen hundred and eighty-seven actual expenses for the sum of such six nonmanagement labor categories shall be adjusted by adding eighty per cent of the net revenue received from purchasers and third party payors who pay on the basis of charges and a hospital service corporation due to adjustments made pursuant to paragraphs (b) and (c) of section eighty and paragraphs (b) and (c) of section eighty-one.

(iii) Subtract the amount calculated in subparagraph (i) from the

amount calculated in subparagraph (ii).

(iv) If the amount calculated in subparagraph (iii) is positive, a labor cost recovery shall be applicable. The labor cost recovery shall be the lesser of the amount in subparagraph (iii) or eighty per cent of the net revenue received from purchasers and third party payors who pay on the basis of charges and a hospital service corporation as a result of adjustments made pursuant to paragraphs (b) and (c) of section eighty and paragraphs (b) and (c) of section eighty-one.

(v) Fiscal year nineteen hundred and ninety approved revenues shall be adjusted in such a manner as to ensure that the projected payments of purchasers and third party payors who pay on the basis of charges and a hospital service corporation are reduced by the amount of the labor cost recovery, if any, calculated pursuant to subparagraph (iv).

(b) The commission may waive any or all of the labor cost recovery pursuant to paragraph (a) upon request for any hospital which demonstrates that such recovery would inappropriately penalize the hospital and its nonmanagement employees, because the hospital's failure to expend sufficient amounts for nonmanagement labor expenses to avoid said recovery is the result of staff reductions necessary to accommodate a volume decline or of inability to hire employees due to a shortage of available personnel.

(c) Each acute hospital shall report its actual expenses during fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-nine for each of the six nonmanagement labor categories so designated under schedule C.1.O of appendix D of hospital agreement thirty.

Section 82A. For fiscal year nineteen hundred and ninety-one, patient care costs for each hospital shall be determined in a manner consistent with section eighty-one, exclusive of paragraphs (b) and (c), and substituting "fiscal year nineteen hundred and ninety," and "fiscal year nineteen hundred and ninety-one," respectively.

Fiscal year nineteen hundred and ninety-one approved revenues of any hospital which received an adjustment pursuant to paragraph (b) or (c) of section eighty or paragraph (b) or (c) of section eighty-one and which was subject to a labor cost recovery pursuant to section eighty-two shall be further adjusted to reflect a labor cost recovery, if any. The labor cost recovery shall be determined as follows:-

(a)(i) The fiscal year nineteen hundred and ninety actual expenses for each of the six nonmanagement labor categories so designated under schedule C.1.O of Appendix D of hospital agreement thirty shall be adjusted by subtracting the product of: the sum of (i) the inflation adjustments associated with said categories which were provided pursuant to paragraph (d) of section eighty and paragraph (d) of section eighty-one and (ii) the comparable inflation adjustments provided for fiscal year nineteen hundred and ninety; multiplied by the percentage of total gross patient service revenue attributable to purchasers and third party payors who pay on the basis of charges and a hospital service corporation; the results shall then be summed for all six such categories.

(ii) The fiscal year nineteen hundred and eighty-seven actual expenses for the sum of such six nonmanagement labor categories shall be

adjusted by adding eighty per cent of the net revenue received from purchasers and third party payors who pay on the basis of charges and a hospital service corporation due to adjustments made pursuant to paragraphs (b) and (c) of section eighty and paragraphs (b) and (c) of section eighty-one.

(iii) Subtract the amount calculated in subparagraph (i) from the amount calculated in subparagraph (ii).

(iv) If the amount calculated in subparagraph (iii) is positive, a labor cost recovery shall be applicable. The labor cost recovery shall be the lesser of the amount in subparagraph (iii) or eighty per cent of the net revenue received from purchasers and third party payors who pay on the basis of charges and a hospital service corporation due to adjustments made pursuant to paragraphs (b) and (c) of section eighty and paragraphs (b) and (c) of section eighty-one.

(v) Fiscal nineteen hundred and ninety-one approved revenues shall be adjusted in such a manner as to ensure that the projected payments of purchasers and third party payors who pay on the basis of charges and a hospital service corporation are reduced by the amount of the labor cost recovery, if any, calculated pursuant to subparagraph (iv).

(b) The commission may waive any or all of the labor cost recovery pursuant to paragraph (a) upon request for any hospital which demonstrates that such recovery would inappropriately penalize the hospital and its nonmanagement employees, because the hospital's failure to expend sufficient amounts for nonmanagement labor expenses to avoid said recovery is the result of staff reductions necessary to accommodate a volume decline or of inability to hire employees due to a shortage of available personnel.

Section 83. For fiscal years nineteen hundred and eighty-eight to nineteen hundred and ninety-one, approved gross patient service revenue shall be calculated in the following manner:

(a) Each year the malpractice adjustment for medicare shortfall calculated pursuant to the principles governing hospital agreement thirty shall be added to fiscal year patient care costs as calculated pursuant to sections eighty to eighty-two A.

(b) Patient care costs for fiscal years nineteen hundred and eighty-eight to nineteen hundred and ninety-one, as calculated pursuant to section eighty to eighty-two A and as adjusted pursuant to paragraph (a), shall then be multiplied by the proportion of charges attributable to those purchasers and third-party payors who pay on the basis of charges and to a hospital service corporation, excluding those charges associated with free care, bad debt and services rendered to Title XIX recipients. Said product shall be known as private sector patient care costs.

(c) Private sector patient care costs as computed according to paragraph (b) shall then be further adjusted for a working capital allowance as computed in accordance with hospital agreement thirty, and the sum shall be multiplied by one plus the uniform statewide uncompensated care allowance as computed according to section eighty-seven. The resulting product shall be termed the private sector liability.

(d) The private sector liability as computed according to paragraph

(c) shall be divided by: (i) the proportion of charges attributable to purchasers and third party payors who pay on the basis of charges, excluding those charges associated with free care and bad debt services, multiplied by one plus the uniform differential; plus (ii) the proportion of charges attributable to a hospital service corporation. The result of this division shall be known as the Blue Cross basis of payment.

(e) The Blue Cross basis of payment as calculated in accordance with paragraph (d) shall be further multiplied by one plus the uniform differential and the resulting product shall be termed approved gross patient service revenue for fiscal years nineteen hundred and eighty-eight through nineteen hundred and ninety-one respectively.

Section 84. For fiscal years nineteen hundred and eighty-eight to nineteen hundred and ninety-one, approved nonmedicare gross inpatient service revenue shall be calculated as follows:

Actual gross outpatient service revenue shall be subtracted from approved gross patient service revenue and the resulting difference shall be known as approved gross inpatient service revenue. Approved gross inpatient service revenue shall then be multiplied by: (i) the ratio of the per cent of actual gross inpatient service revenue attributable to nonmedicare patients to the per cent of case mix adjusted discharges attributable to nonmedicare patients. Said calculation shall utilize gross inpatient service revenues and case mix adjusted discharges for the final six months of the fiscal year beginning on October first, nineteen hundred and eighty-three and the first six months of the fiscal year beginning on October first, nineteen hundred and eighty-four and shall be further adjusted, if applicable, pursuant to changes made in accordance with paragraph (f) of section eighty; and (ii) the per cent of case mix adjusted discharges attributable to nonmedicare patients in the rate year.

The resultant amount shall be termed the approved nonmedicare gross inpatient service revenue without compliance; provided, however, that if an acute hospital appealed to the Division of Administrative Law Appeals the Commission's determination of approved gross inpatient service revenue for such acute hospital for the fiscal years beginning October first, nineteen hundred and eighty-two or October first, nineteen hundred and eighty-three and the Commission affecting the pendency of such appeal ordered such acute hospital to adjust its charges to comply with approved gross patient service revenue which order affected all or part of the final six months of the fiscal year beginning October first, nineteen hundred and eighty-three and the first six months of the fiscal year beginning October first, nineteen hundred and eighty-four, and which order of the Commission was determined by the Division not to have been in accordance with the approved gross patient service revenue determined by the Division for such acute hospital, then the calculation of the ratio of the per cent of actual gross inpatient service revenue attributable to nonmedicare patients to the per cent of casemix adjusted discharges attributable to nonmedicare patients shall utilize gross inpatient service revenues and casemix adjusted discharges for the final six months of the fiscal year beginning on October first, nineteen hundred and eighty-two and the first six months of the fiscal year beginning on October first, nineteen hundred and eighty-three.

Section 85. Beginning with fiscal year nineteen hundred and eighty-eight, and for each fiscal year thereafter, approved nonmedicare gross inpatient service revenue, without compliance, shall be adjusted to reflect any deficit or excess revenue earned in the preceding fiscal year. The dollar amount of the deficit or excess revenue shall be multiplied by one plus the average prime interest rate for such preceding fiscal year plus two per cent and the product shall be the dollar amount added to or subtracted from approved nonmedicare gross inpatient service revenue, without compliance, and the resultant amount shall be termed approved nonmedicare gross inpatient service revenue.

Section 86. Notwithstanding the provisions of sections eighty-four and eighty-five, in computing the amount of each acute hospital's deficit or excess revenue in any fiscal year, the commission shall, subject to regulations to be promulgated by said commission, increase or decrease a hospital's approved nonmedicare gross inpatient service revenue to the extent that it determines that the deficit or excess in the hospital's nonmedicare gross inpatient service revenue is attributable to a change from the base period to said fiscal year in the number and type of services provided to nonmedicare patients, as compared to medicare patients, which change is caused by a change in the relative clinical characteristics and medical needs of nonmedicare and medicare patients not reflected in the measurement of case mix adjusted discharges.

Section 87. (1) For purposes of this section, terms used herein shall have the meanings given them in section one of chapter one hundred and eighteen F. The uniform statewide allowance for uncompensated care for each hospital for each fiscal year beginning in fiscal year nineteen hundred and eighty-eight shall be calculated by the commission by dividing the amount of total private sector liability to the pool for such fiscal year by an amount equal to the sum of: (a) the sum for all acute hospitals of the private sector share of projected patient care costs for such fiscal year, and (b) a working capital allowance specified by the commission for such fiscal year. The amount of total private sector liability to the pool for this purpose shall equal: three hundred twenty-five million dollars for fiscal year nineteen hundred and eighty-eight; three hundred eighteen million, five hundred thousand dollars for fiscal year nineteen hundred and eighty-nine; three hundred twelve million dollars for fiscal year nineteen hundred and ninety; and three hundred twelve million dollars minus the amount appropriated by the commonwealth for such fiscal year for coverage of hospitalization expenses of recipients of benefits under chapter one hundred and seventeen for fiscal year nineteen hundred and ninety-one.

(2) Prior to the beginning of each hospital fiscal year, the commission shall, using the most appropriate and accurate data available, estimate the uniform allowance for statewide uncompensated care. These estimates shall be updated, on a timely basis, as significant new information becomes available. The commission shall supply these data and estimates promptly to the department of medical security and shall audit the accounts of hospitals with respect to receipts and liabilities for uncompensated care in accordance with standards adopted by such department pursuant to section fifteen of chapter one hundred and

eighteen F.

Section 88. For fiscal years nineteen hundred and eighty-eight, nineteen hundred and eighty-nine, nineteen hundred and ninety, nineteen hundred and ninety-one, the interim rate of payment by a nonprofit hospital service corporation to acute hospitals under the successor agreement to hospital agreement thirty shall be at the level of billed charges multiplied by the ratio of: (a) one; to (b) the sum of one plus the uniform differential.

Section 89. For the purposes of sections eighty-nine to ninety-eight, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:

"Gross revenues", the total dollar amount of a hospital's charges for services rendered to patients in a fiscal year.

"RSC-403 form", the cost report as filed with the rate setting commission by each hospital for each of its fiscal years which has been designated by said commission as the "RSC-403 Form".

"Nineteen hundred and eighty-five MAC report", appendix D to an agreement between Blue Cross of Massachusetts, Inc. and a hospital, approved by the rate setting commission pursuant to section five of chapter one hundred and seventy-six A first taking effect on October first, nineteen hundred and eighty-four, as completed and filed by each hospital with the rate setting commission.

"Nineteen hundred and eighty-five total hospital expense", the total expense reported on schedule II, column 7, line 93 of each hospital's nineteen hundred and eighty-five RSC-403 form, less compensation to physicians reported on schedule IX, column 3, line 93 of said nineteen hundred and eighty-five RSC-403 form, and teaching costs reported on schedule II, column 3, lines 27, 28, and 29.

"Nineteen hundred and eighty-five major movable capital cost", the costs reported on schedule IX, column 7, line 94, of each hospital's nineteen hundred and eighty-five RSC-403 form.

"Noncapital hospital expense", the nineteen hundred and eighty-five total hospital expense less nineteen hundred and eighty-five major movable capital cost.

"Nineteen hundred and eighty-five gross revenues", the amount reported on schedule II, column 8, line 93 of each hospital's nineteen hundred and eighty-five RSC-403 form.

"Nineteen hundred and eighty-five inpatient revenue", the amount reported on schedule II, column 8, line 82 of each hospital's nineteen hundred and eighty-five RSC-403 form.

"Nineteen hundred and eighty-five inpatient admissions", the number of inpatient admissions reported on schedule III, column 9, line 14 of each hospital's nineteen hundred and eighty-five RSC-403 form.

"Nineteen hundred and eighty-five inpatient days", the number of patient days reported on schedule III, column 6, line 14 of each hospital's nineteen hundred and eighty-five RSC-403 form.

"The outpatient adjustment factor", nineteen hundred and eighty-five inpatient revenues divided by nineteen hundred and eighty-five gross revenues.

"Nineteen hundred and eighty-five adjusted admissions", for each

hospital, nineteen hundred and eighty-five inpatient admissions divided by the outpatient adjustment factor.

"Nineteen hundred and eighty-five adjusted patient days", for each hospital, nineteen hundred and eighty-five inpatient days divided by the outpatient adjustment factor.

"Net revenues", the actual dollar amount of payments received by a hospital for services provided to patients.

Section 90. Notwithstanding any law to the contrary, the commission shall identify low cost acute hospitals and shall allow each such hospital the low cost hospital adjustment hereinafter provided in sections eighty-nine to ninety-eight, inclusive.

Section 91. Each hospital's qualification for a low cost hospital adjustment shall be determined by:

(a) dividing nineteen hundred and eighty-five adjusted patient days into noncapital expense for each hospital, to derive its nineteen hundred and eighty-five noncapital costs per adjusted patient day;

(b) calculating two standard deviations below the median of all hospitals' nineteen hundred and eighty-five noncapital costs per adjusted patient day;

(c) assigning each hospital an increasing positive or increasing negative arabic number depending on its rank above or below said second standard deviation from the median calculated under clause (b);

(d) dividing nineteen hundred and eighty-five adjusted admissions into noncapital costs for each hospital to derive its nineteen hundred and eighty-five noncapital costs per adjusted admission;

(e) calculating two standard deviations below the median of all hospitals' nineteen hundred and eighty-five noncapital costs per adjusted admissions;

(f) assigning each hospital an increasing positive or increasing negative arabic number depending on its rank above or below said second standard deviation from the median calculated under clause (e);

(g) for each hospital sum the positive and negative arabic numbers assigned by clause (c) and (f) to derive its aggregate ranking.

Every hospital whose aggregate ranking of nineteen hundred and eighty-five noncapital costs per patient day and nineteen hundred and eighty-five noncapital costs per adjusted admission is less than zero, shall be deemed entitled to a low cost hospital adjustment; provided, however, St. Margaret's Hospital shall be entitled to a low cost hospital adjustment regardless of its aggregate ranking.

Section 92. For every hospital entitled to a low cost hospital adjustment whose greater individual negative ranking is for nineteen hundred and eighty-five noncapital costs per adjusted patient day, as assigned pursuant to clause (c) of the first paragraph of section ninety-one, the low cost hospital adjustment shall be the lesser of the noncapital cost per adjusted patient day recovery or the revenue reduction factor provided for by sections ninety-four and ninety-six.

Section 93. For every hospital entitled to a low cost hospital adjustment whose greater individual negative ranking is for nineteen hundred and eighty-five noncapital costs per adjusted admission, as assigned pursuant to clause (f) of the first paragraph of section

ninety-one, the low cost hospital adjustment shall be the lesser of the cost per adjusted admission recovery or the revenue restoration factor provided for by sections ninety-five and ninety-six.

Section 94. The noncapital cost per adjusted patient day recovery shall be calculated separately for each hospital whose low cost hospital adjustment is subject to section ninety-two. For each such hospital the noncapital cost per adjusted patient day recovery shall be equal to the difference between the nineteen hundred and eighty-five noncapital costs per adjusted patient day for all hospitals calculated pursuant to clause (b) of the first paragraph of section ninety-one, less the nineteen hundred and eighty-five noncapital costs per adjusted patient day for the individual hospital, calculated pursuant to clause (a) of the first paragraph of section ninety-one, multiplied by the individual hospital's nineteen hundred and eighty-five adjusted patient days as defined in section eighty-nine. The amount so calculated shall be increased or decreased by the percentage change reported for the Consumer Price Index (ALL URBAN) - Medical Care Services for New England - Data Resources, Inc., Health Care Cost - Regional Forecast between the last amount reported for nineteen hundred and eighty-five and the amount reported and projected through fiscal year nineteen hundred and eighty-eight by Data Resources, Inc.

Section 95. The noncapital cost per adjusted admission recovery shall be calculated separately for each hospital whose low cost hospital adjustment is subject to section ninety-three. For each such hospital the noncapital cost per adjusted admission recovery shall be equal to the difference between the nineteen hundred and eighty-five noncapital cost per adjusted admission calculated pursuant to clause (e) of the first paragraph of section ninety-one, less the nineteen hundred and eighty-five noncapital costs per adjusted admission for the individual hospital, calculated pursuant to clause (d) of the first paragraph of section ninety-one, multiplied by the individual hospital's nineteen hundred and eighty-five adjusted admissions as defined in section eighty-nine. The amount so calculated shall be increased or decreased by the percentage change reported for the Consumer Price Index (ALL URBAN) - Medical Care Services for New England - Data Resources, Inc., Health Care Cost - Regional Forecast between the last amount reported for nineteen hundred and eighty-five and the amount reported and projected through fiscal year nineteen hundred and eighty-eight by Data Resources, Inc.

Section 96. Each hospital's revenue restoration factor shall be calculated by:

(a) dividing revenue charged by the hospital to each of its payors by total hospital patient care related revenue reported on line 23, schedule V of its, as filed, nineteen hundred and eighty-three RSC-403 form to derive separate nineteen hundred and eighty-three fiscal year payor specific revenue to total revenue percentages;

(b) multiplying each payor specific revenue to total revenue percentage by a related fiscal year nineteen hundred and eighty-three payor productivity percentage of two per cent for medicare; zero per cent for Blue Cross; two per cent for medicaid; and one and four-tenths

per cent for all other payors;

(c) summing the percentages derived under clause (b) to derive the nineteen hundred and eighty-three hospital specific revenue restoration percentage;

(d) dividing revenue charged by the hospital to each of its payors by total hospital patient care related revenue reported on line 23, schedule V of each hospital's, as filed, nineteen hundred and eighty-four RSC-403 form to derive separate nineteen hundred and eighty-four fiscal year payor specific revenue to total revenue payor percentages;

(e) multiplying each payor specific revenue to total revenue percentage by a related fiscal year nineteen hundred and eighty-four payor productivity percentage of: four per cent for medicare; zero per cent for Blue Cross; four per cent for medicaid; and zero per cent for all other payors;

(f) summing the percentages derived under clause (e) to derive a hospital specific nineteen hundred and eighty-four revenue restoration percentage;

(g) dividing revenue charged by the hospital to each of its payors by total hospital patient care related revenue reported on line 23, schedule V of each hospital's, as filed, nineteen hundred and eighty-five RSC-403 form to derive separate nineteen hundred and eighty-five fiscal year payor percentages;

(h) multiplying each payor specific revenue to total revenue percentage by a related fiscal year nineteen hundred and eighty-five productivity percentage of: four per cent for medicare; two per cent for Blue Cross; six per cent for medicaid; and two per cent for all other payors;

(i) summing the percentages derived under clause (h) to derive a hospital specific nineteen hundred and eighty-five revenue restoration percentage;

(j) dividing revenue charged by the hospital to each of its payors by total hospital patient care related revenue reported on line 23, schedule V of each hospital's, as filed, nineteen hundred and eighty-six RSC-403 form to derive separate nineteen hundred and eighty-six fiscal year payor percentages;

(k) multiplying each payor specific revenue to total revenue percentage by a related fiscal year nineteen hundred and eighty-six productivity percentage of: two per cent for Blue Cross; three per cent for medicaid; and two per cent for all other payors;

(l) summing the percentages derived under clause (k) to derive a hospital specific nineteen hundred and eighty-six revenue restoration percentage;

(m) the nineteen hundred and eighty-seven revenue restoration percentage shall be the same calculation as provided for by clause (k), except that the productivity percentage for medicaid shall be two per cent;

(n) summing the revenue restoration percentages for nineteen hundred and eighty-three, nineteen hundred and eighty-four, nineteen hundred and eighty-five, nineteen hundred and eighty-six and nineteen hundred and eighty-seven calculated pursuant to clauses (c), (f), (i), (l), and (m)

to derive an aggregate hospital specific restoration percentage; and

(o) multiplying the aggregate hospital specific restoration percentage by the amount of maximum allowable costs reported by each hospital on line 14, schedule A.O of its as filed nineteen hundred and eighty-five fiscal year MAC report less the amount of capital costs reported on line 9, schedule A.O of said nineteen hundred and eighty-five MAC report as filed by the individual hospital. The amount so calculated shall constitute each hospital's revenue restoration factor and shall be increased or decreased by the percentage change reported for the Consumer Price Index (ALL URBAN) - Medical Care Services for New England - Data Resources, Inc., Health Care Cost - Regional Forecast between the last amount reported for nineteen hundred and eighty-five and the amount reported and projected through fiscal year nineteen hundred and eighty-eight by Data Resources, Inc.

Section 97. The commission shall provide that the low cost hospital adjustment shall be included within any allowance of gross revenues, charges, costs, maximum allowable costs, reasonable financial requirements, rates, prices or the like so that each hospital, in addition to any other allowances as are permitted by law, receives net revenues which reflect its low cost adjustment.

Section 98. The commission shall, after a public hearing, adopt regulations to implement sections eighty-nine to ninety-eight, inclusive. At a minimum said regulations shall set forth the low cost hospital adjustment due to each hospital. All data and computation for such low cost hospital adjustments shall be published no later than twenty-one days prior to the public hearing.

Section 98A. Notwithstanding any provision of law to the contrary, the commission shall identify a case-mix adjusted low cost hospital and allow Whidden hospital the adjustment provided for in paragraph (c) of section seventy-nine. Whidden hospital's qualification for a case-mix adjusted low cost hospital adjustment shall be determined by:

(a) calculating for said hospital's "1985 case mix", which shall be defined as, for said hospital, the average cost weight per discharge calculated by dividing the total case mix adjusted discharges by the total discharges on said hospital's merged billing tapes submitted to said commission for the entire year of nineteen hundred and eighty-five.

(b) assigning to said hospital a "case mix index", which shall be defined as, for said hospital, that hospital's 1985 case mix divided by the mean 1985 case mix of all acute hospitals in the commonwealth as calculated above.

(c) determining the 1985 case mix adjusted cost per patient day, by dividing said hospital's 1985 noncapital cost per adjusted patient day cost calculated pursuant to clause (a) of section ninety-one by its case mix index.

(d) calculating two and one-half standard deviations below the median of all hospitals' 1985 case mix adjusted costs per patient day.

(e) assigning said hospital an increasing positive or increasing negative arabic number depending on its rank above or below said second and one-half standard deviation from the median calculated under clause (d).

(f) determining the 1985 case mix adjusted cost per admission by

dividing said hospital's 1985 noncapital cost per adjusted admission calculated pursuant to clause (d) of section ninety-one by its case mix index.

(g) calculating two and one-half standard deviations below the median of all hospitals' 1985 case mix adjusted costs per admission.

(h) assigning said hospital an increasing positive or increasing negative arabic number depending on its rank above or below said second and one-half standard deviation from the median calculated under clause (g).

(i) for said hospital sum the positive and negative arabic numbers assigned by clauses (e) and (h) to derive its aggregate ranking.

(j) Whidden hospital shall be deemed entitled to a case mix adjusted low cost hospital adjustment, provided that such hospital is not otherwise eligible for an adjustment under paragraph (a) of section seventy-nine.

The case mix adjusted low cost hospital adjustment shall be calculated consistent with the methodology employed in sections ninety-two to ninety-eight, inclusive; provided, however that for purposes of this section the following substitution of terms appearing in said sections ninety-two to ninety-eight shall be made:

"case mix adjustment low cost hospital adjustment" for "low cost hospital adjustment",

"1985 case mix adjusted cost per patient day" for "1985 noncapital costs per adjusted patient day",

"case mix adjusted patient day recovery" for "noncapital cost per adjusted patient day recovery",

"1985 case mix adjusted cost per admission" for "1985 noncapital costs per adjusted admission",

"case mix adjusted admission recovery" for "cost per adjusted admission recovery",

clause (c) of this paragraph for clause (a) of section ninety-one,

clause (d) of this paragraph for clause (b) of said section ninety-one,

clause (e) of this paragraph for clause (c) of said section ninety-one,

clause (f) of this paragraph for clause (d) of said section ninety-one,

clause (g) of this paragraph for clause (e) of said section ninety-one,

clause (h) of this paragraph for clause (f) of said section ninety-one.

Section 99. For fiscal years nineteen hundred and eighty-eight through nineteen hundred and ninety-one, a comprehensive cancer center may, at its option, elect to establish prospectively and retrospectively, its approved gross patient service revenues, Blue Cross rate of payment and compliance with approved gross patient service revenues in the following manner:

(a) determining the sum of the comprehensive cancer center's noncapital inpatient and outpatient costs, in accordance with the principles of reimbursement for provider costs under 42 USC s.1395 et seq., and the medicare provider reimbursement manual, as projected prospectively and reported retrospectively by the comprehensive cancer center on the rate setting commission form 403, and as verified by audit. Add depreciation and interest and working capital recognized in hospital agreement thirty. Multiply the resulting amount by one plus the uniform statewide uncompensated care allowance;

(b) multiplying the total amount computed in clause (a) by one

hundred and seven per cent to yield the approved gross patient service revenue for the applicable fiscal year.

(c) reflecting any excess or deficit revenues earned in any fiscal year in the approved gross patient service revenue of the subsequent fiscal year.

If a comprehensive cancer center chooses to compute its gross patient service revenue in accordance with clauses (a) to (c), inclusive, a nonprofit hospital service corporation shall pay said comprehensive cancer center the lower of reasonable costs, which shall be defined as the total costs computed pursuant to clause (a) and as referenced in clause (b), or charges.

A comprehensive cancer center must elect to have its payments governed by this section within sixty days of the effective date of this section, or payments to the comprehensive cancer center shall be governed by sections seventy-nine to eighty-eight, inclusive.

Section 100. For purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

"Eye and Ear Hospital", a hospital licensed under section fifty-one of chapter one hundred and eleven, which derives at least fifty per cent of its total annual revenue from the diagnosis and treatment of eye, ear, nose, throat and head and neck conditions.

Notwithstanding any contrary provision of law, for fiscal years nineteen hundred and eighty-eight, nineteen hundred and eighty-nine, nineteen hundred and ninety and nineteen hundred and ninety-one, an eye and ear hospital may, at its option, elect to establish, prospectively and retrospectively, its approved gross patient service revenue in the following manner:

(a) determining the sum of an eye and ear hospital's inpatient and outpatient noncapital costs, in accordance with the principles of reimbursement for provider costs under 42 USC s.1395 et seq., and the medicare provider reimbursement manual, as projected prospectively and reported retrospectively by the eye and ear hospital on the rate-setting commission form 403, and as verified by audit. Add to the amount of noncapital costs the hospital's patient care related depreciation interest and working capital defined pursuant to hospital agreement thirty. Multiply the sum of noncapital and capital costs by one plus the uniform statewide allowance for uncompensated care;

(b) multiplying the amount computed in clause (a) by one hundred and seven per cent to yield the approved gross patient service revenue.

The rate setting commission shall ensure the gross patient service revenues shall be generated without excess on shortfalls. Any excess or deficit of gross patient service revenue earned in any fiscal year will be reflected in the allowed gross patient service revenue of the subsequent year.

A nonprofit service corporation shall pay an eye and ear hospital based on the lower of: (1) the hospital's charges to the nonprofit hospital service corporation for services rendered, or (2) the nonprofit hospital service corporation's costs determined pursuant to medicare principles of cost apportionment, multiplied by one plus the uniform allowance for

uncompensated care.

An eye and ear hospital must elect to have its payments governed by this section within sixty days of the effective date of this section, or payments to the eye and ear hospital shall be governed by section seventy-nine to eighty-eight, inclusive.

Section 101. (a) There shall be within the executive office of human services an acute hospital conversion board, hereinafter referred to as "the board", consisting of the commissioner of public health or his designee, who shall serve as the chairman, the chairman of the rate setting commission or his designee, and the commissioner of the department of medical security or his designee. Said board shall administer the provisions of this section concerning the closing of acute hospitals or their conversion to other health, rehabilitative or public purposes. Said board shall provide assistance to acute hospitals in the identification and development of alternative financial resources and site uses, and in the expedition of state regulatory processes. Said board shall advise the division of employment security, the Massachusetts industrial service program and any other appropriate agencies or institutions regarding the need for reemployment training incentive programs for employees of acute hospitals whose employment is or will be terminated because of the closing or conversion of an acute hospital. Said board shall further have the authority to assist any closing or converting hospital in any other manner necessary and appropriate to ensure an orderly transition, including, but not limited to, ensuring that the hospital's obligations for any bonds issued and for other short and long-term debt are met.

(b) Any acute hospital which applies to the board shall qualify for relief pursuant to this section upon certifying to the board, with any supporting documentation that the board may require:

(1) that it intends to cease operation as an acute hospital by closing, by converting to another health, rehabilitative or other public purpose, or by ceasing to admit or care for patients in its medical-surgical, pediatric, obstetric and maternity beds, no later than twelve months following such certification; or

(2) that there is substantial doubt concerning whether the hospital will be able to continue as a going concern.

Upon receiving certification pursuant to this section of a hospital's intention to close or convert to another purpose, the board shall promptly notify the Massachusetts industrial service program established under chapter twenty-three D.

(c) Within thirty days of the receipt of such certification, the board shall appoint a community need determination committee to study the alternative needs of the community served by the hospital. Such committee shall consist of a trustee of the hospital, the mayor of the city or the head of the board of selectmen of the town in which the hospital is located, a physician with privileges at the hospital, a local representative of the elderly, a local member of the business community, a member of a collective bargaining unit of the hospital, a nurse employed at the hospital and a member of a regional health planning agency serving the community, if any. Such committee shall hold a

public hearing within sixty days of its appointment to determine the needs of the community for alternative health, rehabilitative and other public uses of the hospital facility. A report on such hearing shall be filed with the board.

(d) In the case of a hospital certifying its intention to close or convert:

(1) Notwithstanding the provisions of sections seventy-eight to ninety-eight, the board, if satisfied with the documentation provided, shall increase the amount of such hospital's patient care costs as determined pursuant to sections eighty to eighty-two A for its final twelve months of operation as an acute hospital to the extent necessary to allow for an orderly transition for the patients and employees of such hospital. Said board may also, to the extent necessary to make the closure or conversion financially feasible, permanently forgive any outstanding compliance liability pursuant to section eighty-five or its predecessor or successor section.

(2) The board shall further have the authority to exempt such closing or converting hospital or any hospital undertaking to purchase or merge with such closing or converting hospital from the provisions of sections twenty-five B to twenty-five G, inclusive, of chapter one hundred and eleven with regard to any substantial change in services, as defined in said sections and regulations pursuant thereto, proposed as a result of such closing or converting hospital's cessation of operation as an acute hospital; provided, however, that the board approves such proposal pursuant to this section; and provided, further, that the final outcome of any such exempted proposal shall be a net reduction in the number of medical-surgical, pediatric, obstetric and maternity beds equal to the number of such beds contained in such closing or converting hospital. The board shall consider the report of the community need determination committee established pursuant to paragraph (c) in determining whether to approve the hospital's proposal for a change in services.

The board shall approve any such proposal only if it finds that the proposed service will meet an identified health care need in such community; provided, however, that any such proposal which is not approved or disapproved within ninety days of its submission shall be deemed approved for purposes of this section and shall thereupon be exempt from the provisions of said sections twenty-five B to twenty-five G, inclusive, of chapter one hundred and eleven.

(e) In the case of a hospital certifying substantial doubt about its ability to continue as a going concern, notwithstanding the provisions of sections seventy-eight to ninety-eight, the board may increase the amount of the hospital's patient care costs as determined pursuant to sections eighty to eighty-two A, subject to the following conditions and limitations:

(1) The board may approve an increase only if it determines:

(i) that without rates of payment greater than those permitted pursuant to sections seventy-eight to ninety-eight, the hospital will be unable to continue to admit or care for patients in its medical-surgical, pediatric, obstetric and maternity beds; and

(ii) that the unavailability of said beds would necessarily seriously jeopardize the health and well-being of a significant number of persons.

(2) When making the determination required in clause (i) of subparagraph (1), the board shall identify all feasible alternative methods for relieving the hospital's financial distress, including but not limited to changes in the hospital's management personnel, expense reductions, closure of under-utilized or nonessential services, and merger and consolidation of services with neighboring hospitals.

(3) When making the determination required by clause (ii) of subparagraph (1), the board shall at a minimum, consider the report of the community need determination committee established pursuant to paragraph (c).

(4) Any increase shall be for a period of time to be specified by the board. The duration shall be the minimum necessary to enable the continued availability of essential medical-surgical, pediatric, obstetric and maternity beds, and shall not be indefinite.

(5) The amount of the increase shall be the minimum necessary to enable the continued availability of essential medical-surgical, pediatric, obstetric and maternity beds. In its determination of said amount, the board shall assume implementation of all feasible alternative methods identified pursuant to subparagraph (1), pursuant to the plan of action established pursuant to subparagraph (6).

(6) Any increase made pursuant to this section shall be contingent on the hospital's agreement to and continuing compliance with a plan of action approved by the board. Said plan of action shall specify the steps to be taken to make the hospital financially viable and able to provide essential services to its community. Said steps shall include all necessary changes in the hospital's management personnel and all feasible alternative methods identified pursuant to subparagraph (2).

(7) The board shall make said increase subject to such additional reasonable terms and conditions as it deems necessary and appropriate.

(8) If the plan of action includes steps requiring a determination pursuant to chapter one hundred and eleven, the board shall have the authority specified in subparagraph (2) of paragraph (d).

(f) Any acute hospital which qualifies for and receives relief pursuant to this section shall give its employees at least ninety days' prior written notice of the termination of their employment, such notice to be given in a form and manner prescribed by the board and to include at least the following: notice of their right to continued health benefits pursuant to statute or any applicable collective bargaining agreement; notice of their rights pursuant to sections seventy-one A to seventy-one J, inclusive, of chapter one hundred and fifty-one A; and notice of the availability of the comprehensive job placement and reemployment training program established pursuant to section four of chapter twenty-three D.

(g) In carrying out its duties pursuant to this section, the board shall seek the advice of an advisory council consisting of the following members: one representative each designated by the Massachusetts hospital association, the Massachusetts nurses' association, the Massachusetts health and educational facilities authority, and Blue Cross of Massachusetts, Inc.; a representative of a collective bargaining unit for hospital workers designated by the Massachusetts federation of labor-

congress of industrial organizations; and one representative each, to be appointed by the board, of the following: large teaching hospitals, community hospitals, large businesses, small businesses, commercial insurance companies, and health care consumers.

Section 102. Notwithstanding any provisions of this chapter to the contrary, all costs and charges for patients who are residents of other countries shall, as provided herein, be exempted from the limitations imposed by this chapter. Any hospital shall be allowed to impose a surcharge on the normal charges that would otherwise be allowed under this chapter for such residents of other countries. Such surcharges shall not be included in the calculation of gross patient service revenues. The normal charge and the patient discharge statistics shall otherwise be included under the provisions of this chapter. Blue Cross and the Massachusetts hospital association are hereby directed to submit a supplemental schedule which will become a part of the successor agreement to hospital agreement thirty to the commission for approval by no later than April first, nineteen hundred and eighty-eight.

SECTION 21. The first paragraph of section 4H of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "six A", in line 11, the words:- and section five of chapter one hundred and seventy-six A.

SECTION 22. Chapter 15A of the General Laws is hereby amended by inserting after section 7A the following section:-

Section 7B. Effective September first, nineteen hundred and eighty-nine, every full time and part-time student enrolled in a public or independent institution of higher education located in the commonwealth shall participate in a qualifying student health insurance program. For the purposes of this section, "part-time student" shall mean a student participating in at least seventy-five per cent of the full time curriculum. Such an institution may elect to allow students to waive participation in its student health insurance program or any part thereof; provided, however, that an institution permitting such waivers shall require students waiving participation to certify in writing prior to any academic year in which they will not participate in the institution's plan that they are participating in a health insurance program having comparable coverages.

The department of medical security, with the advice and consent of the board of regents, shall issue regulations to define qualifying student health insurance programs, to establish procedures to monitor compliance, and to implement the provisions of this section.

Each public and independent institution of higher education shall submit an annual report to the department of medical security detailing its procedures for complying with the provisions of this section; provided, however, that prior to the implementation of this section the department of medical security and the board of regents shall submit a report to the house and senate committees on ways and means. Such report shall include, but not be limited, to an analysis of the number of students lacking health insurance, the costs of the requirements of this

section to the students and the public and independent institutions of higher education, and a proposed method for meeting such costs.

Any public or independent institution of higher education failing to carry out its responsibilities under this section shall pay a penalty per student for every day during which the failure continues, equal to the penalty per employee per day imposed upon noncomplying employers by subsection (i) of section fourteen G of chapter one hundred and fifty-one A. Any penalties collected pursuant to this section shall be deposited in the public responsibility account of the medical security trust fund established by chapter one hundred and eighteen F. Any institution which, in accordance with the aforesaid regulations, relies in good faith on statements by students relative to their health insurance status shall not be liable for any penalty or for failure to comply with the provisions of this section caused by misstatements of such students.

SECTION 23. Section 4 of chapter 23D of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 30, the word "purposes" and inserting in place thereof the following:- purposes;

(g) with the advice of the advisory council created in section seventy-eight of chapter six A, establishing and administering a comprehensive job placement and reemployment training program for employees of hospitals and other health care facilities whose employment has been or is likely to be terminated as a result of the closure or conversion of the employing hospital or health care facility.

SECTION 24. Section 8H of chapter 26 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The division of insurance is directed to require all health insurers and health maintenance organizations doing business in the commonwealth to identify persons who are recipients of medical assistance under chapter one hundred and eighteen E, or who are responsible for supporting such recipients, and who are also beneficiaries under any policy for health insurance or parties to any health maintenance contract in force and effect in the commonwealth. The department of public welfare shall provide information to the extent sufficient to allow insurers to identify such persons. Such information shall be made available by such insurers and health maintenance organizations and by the department only for the purposes of and to the extent necessary for identifying such persons. No health insurer or health maintenance organization which complies with this section shall be liable in any civil or criminal action or proceedings brought by such beneficiaries or members on account of such compliance. The division shall further direct all health insurers and health maintenance organizations doing business in the commonwealth to participate with the department in any procedure, including but not limited to automated file matches, conducted under the direction of the department for the purpose of identifying those persons who are recipients of medical assistance under chapter one hundred and eighteen E or who are responsible for supporting such recipients, and who are also beneficiaries under any policy for health insurance or parties to any

health maintenance contract in force in the commonwealth. Participation in such a procedure by a health insurer or health maintenance organization doing business in the commonwealth shall include but shall not be limited to reasonable financial participation in the cost of any such procedure. The commissioner of insurance is authorized to promulgate regulations necessary to ensure the effectiveness of this section.

SECTION 25. Section 4 of chapter 32A of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The group insurance commission shall not negotiate, purchase or execute contracts with any health maintenance organization, as defined by section one of chapter one hundred and seventy-six G, unless the health maintenance organization participates in the medical assistance program established under chapter one hundred and eighteen E and enrolls recipients of such program in accordance with a negotiated agreement between the department of public welfare and health maintenance organizations.

SECTION 26. Section 11A of said chapter 32A, as so appearing, is hereby amended by adding the following two paragraphs:-

Notice of cancellation of coverage of the divorced or separated spouse of a member shall be mailed to such divorced or separated spouse at such person's last known address, together with notice of the right to reinstate coverage retroactively to the date of cancellation.

Claims paid on behalf of a divorced or separated spouse or on behalf of a dependent who is not residing with the member shall be paid to the physician, hospital or other provider of covered services or to the person on whose behalf such services were performed, unless the person is a minor child. In the event the person on whose behalf such services were performed is a minor, payment shall be made to the physician, hospital or other provider of such services or to the parent or custodian with whom the child resides.

SECTION 27. Section 9H of chapter 32B of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:-

(d) Notice of cancellation of coverage of the divorced or separated spouse of a member shall be mailed to such divorced or separated spouse at such person's last known address, together with notice of the right to reinstate coverage retroactively to the date of cancellation.

(e) Claims paid on behalf of a divorced or separated spouse or on behalf of a dependent who is not residing with the member shall be paid to the physician, hospital or other provider of covered services or to the person on whose behalf such services were performed, unless the person is a minor child. In the event the person on whose behalf such services were performed is a minor, payment shall be made to the physician, hospital or other provider of such services or to the parent or custodian with whom the child resides.

SECTION 28. Section 6 of chapter 62 of the General Laws, as

amended by section 4 of chapter 773 of the acts of 1987, is hereby further amended by adding the following subsection:-

(f) There is hereby established a credit for businesses offering health insurance to their employees. For the purposes of this section, the term "businesses" shall include professions, sole proprietorships, trades, businesses, or partnerships.

Any business which (a) has one or more full-time equivalent employees unrelated to its owners or partners but no more than fifty of such employees calculated on an average annual basis, (b) has not in any one of the preceding three years made an expenditure for the full or partial payment of premiums for a health insurance plan covering any of its then employees, and (c) makes a health insurance premium expenditure for a health insurance plan which is available to at least all of its full-time employees, shall be allowed a credit against its income tax due under this chapter in each of the first two years it makes such a health insurance premium expenditure.

The amount of such credit in the first year shall be twenty per cent of the entire amount of the health insurance premium expenditure made by such business in the first year and ten per cent of such health insurance premium expenditure made by such business in the second year. To be eligible to receive such credits, the health insurance premium expenditure of such business must equal at least fifty per cent of the total cost of the premiums for the health insurance plan made available to its employees. For the purposes of this section, "unrelated" shall mean not having the familial relationship of spouse, mother, father, or child.

The provisions of this section shall apply to tax years beginning on or after January first, nineteen hundred and ninety and ending on or before December thirty-first, nineteen hundred and ninety-two.

SECTION 29. Chapter 63 of the General Laws is hereby amended by inserting after section 31D, inserted by chapter 736 of the acts of 1987, the following section:-

Section 31E. There is hereby established a credit for corporations offering health insurance to their employees. Any corporation which (a) has one or more full-time equivalent employees unrelated to its shareholders but no more than fifty of such employees calculated on an average annual basis, (b) has not in any one of the preceding three years made an expenditure for the full or partial payment of premiums for a health insurance plan covering any of its then employees, and (c) makes a health insurance premium expenditure for a health insurance plan which is available to at least all of its full-time employees, shall be allowed a credit against its excise due under this chapter in each of the first two years it makes such a health insurance premium expenditure.

The amount of such credit in the first year shall be twenty per cent of the entire amount of the health insurance premium expenditure made by such corporation in the first year and ten per cent of such health insurance premium expenditure made by such corporation in the second year. To be eligible to receive such credits, the health insurance premium expenditure of such corporation must equal at least fifty per

cent of the total cost of the premiums for the health insurance plan made available to its employees. For the purposes of this section, "unrelated" shall mean not having the familial relationship of spouse, mother, father or child.

The provisions of this section shall apply to tax years beginning on or after January first, nineteen hundred and ninety and ending on or before December thirty-first, nineteen hundred and ninety-two.

SECTION 30. Section 4J of chapter 111 of the General Laws, as amended by section 4N of chapter 1229 of the acts of 1973, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following paragraph:-

No individual from birth to age twenty-two shall be admitted to a nursing home unless, prior to such admission, application has been made by or on behalf of such individual for certification by the Department's Multi-Disciplinary Medical Review Team of eligibility for nursing home care in the nursing home to which the individual seeks admission. A majority of the members of the medical review team shall consist of currently licensed health and allied health professionals who are not employees of the commonwealth and who have been engaged full time in primary care practice in their respective areas of specialization within the two years immediately prior to the commencement of service on the medical review team. Such other individuals as the department may, from time to time, deem appropriate may also serve on the medical review team. No person shall serve on the medical review team for a period exceeding two years. The medical review team shall, in consultation with the individual's referring physician, discharge planners at the individual's referring health care institution, the individual's parents, next-of-kin or guardians, the individual's primary care physician, and, to the extent deemed necessary, the departments of mental health, social services, welfare, education, office for children and the commission for the blind, assess the medical, nursing, developmental and social needs of such individuals. In the event that the medical review team fails to render a decision on certification within ten business days after submission of any application for certification, the individual may, with the approval of his or her referring physician, be admitted to the nursing home. In reviewing applications for certification of eligibility, the medical review team shall not deny certification on the basis of sex, nationality, religious affiliation, residency or domicile, source of payment or reimbursement, type of illness or injury sustained or suffered by the individual, or, if the nursing home to which the individual seeks admission is able to provide requisite care, the ability of any other health care facility, wherever located, to provide such care. In the event that the medical review team denies certification, it shall recommend an alternative care program appropriate to each individual's needs.

SECTION 31. Said chapter 111 is hereby further amended by inserting after section 24C the following section:-

Section 24D. The department shall establish a program of medical

care and assistance for pregnant women and infants who are not otherwise eligible for medical assistance under chapter one hundred and eighteen E and who lack private health insurance coverage or have health insurance coverage which does not cover all medically necessary care covered by the program established by this section. The department shall furnish such medical assistance to each such pregnant woman and infant residing in the commonwealth in accordance with standards of eligibility established by the department; provided, however, that the income eligibility standards shall not be less than two hundred per cent of the non-farm income poverty guidelines defined by the United States Office of Management and Budget.

Assistance furnished pursuant to this section shall be limited to the following care and services; provided, however, that unless otherwise specified to the contrary no payment shall be allowed for inpatient hospitalization:

(i) all medically necessary care to maintain health during the course of the pregnancy and delivery, including newborn hospital care;

(ii) all medically necessary postpartum obstetric and gynecological care;

(iii) newborn care, including one postpartum pediatric ambulatory visit; and

(iv) outreach services designed to identify and encourage the participation of pregnant women and infants in this program.

The department shall ensure that all women who appear to be eligible for medical assistance under said chapter one hundred and eighteen E are assisted in enrolling for such coverage. If a woman receiving services under the program established pursuant to this section is found by the department of public welfare to be eligible for services under said chapter one hundred and eighteen E, the department of public welfare shall pay for all such services and shall reimburse the department of public health for such services; provided that such reimbursements are allowed under Title XIX of the Social Security Act.

The department shall promulgate and, from time to time, amend regulations detailing eligibility criteria, services to be covered in conformity with appropriate standards of care, and reimbursement policies.

SECTION 32. Section 25B of said chapter 111, as appearing in the 1986 Official Edition, is hereby amended by striking out the definitions of "Substantial capital expenditure" and "Substantial change in services" and inserting in place thereof the following twelve paragraphs:-

"Acute-care hospital", any hospital licensed under section fifty-one of chapter one hundred and eleven, and the teaching hospital of the University of Massachusetts Medical School, which contains a majority of medical-surgical, pediatric, obstetric, and maternity beds, as defined by the department.

"Acute psychiatric service", a service for inpatients in need of intensive, twenty-four hour per day, psychiatric and nursing care and supervision, not including persons hospitalized for alcohol problems, and which includes a staff of mental health specialists who provide

psychiatric, psychological and social evaluation, treatment and aftercare planning.

"Ambulatory surgery", health care services restricted to those defined by the department as surgical services, not requiring overnight stay, typically provided to ambulatory patients on an elective, urgent, or emergency basis.

"Innovative service", a service or procedure such as dialysis, transplant services, cardiac catheterization, angioplasty and neonatal intensive care, which for reasons of quality, access, or cost is determined to be innovative by the department.

"Inpatient services", health care services requiring at least one overnight stay, provided to patients on an elective, urgent, or emergency basis.

"Major movable equipment", equipment that is not permanently attached to the building and that has a depreciable life of three or more years.

"New technology", equipment including but not limited to magnetic resonance imagers, lithotrypters, and linear accelerators, as defined by the department, or a service, as defined by the department, primarily intended for use in the provision of medical or surgical services, whether for diagnostic or treatment purposes, which has received approval from the U.S. Food and Drug Administration or which has been placed in "Approvable Status" by the U.S. Food and Drug Administration, or which has been authorized for physician use by appropriate professional societies, but which is not in general use for patient care by physicians qualified to operate the equipment or provide the service.

"Outpatient services", health care services, not requiring overnight stay, typically provided to ambulatory patients on an elective basis.

"Substantial capital expenditures", (1) the expenditure, or obligation of a sum of money for construction of a health care facility (a) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made by lease or comparable arrangement, and (b) which exceeds, or may reasonably be regarded as leading to an expenditure for construction in excess of. the expenditure minimum determined pursuant to this section for an undertaking sufficiently specific to constitute the subject matter of an application for a determination of need under section twenty-five C; or (2) the obtaining by lease or comparable arrangement, by donation, or by transfer for less than fair market value in excess of the expenditure minimum.

"Expenditure minimum with respect to substantial capital expenditures", shall mean, with respect to expenditures and acquisitions made by or for (1) acute-care hospitals and comprehensive cancer centers as defined in section thirty-one of chapter six A, only, seven and one-half million dollars, except that expenditures for or the acquisition of, major movable equipment not otherwise defined by the department as new technology or innovative services shall not require a determination of need, and shall not be included in the calculation of the expenditure minimum; and (2) health care facilities. other than acute-care hospitals. and facilities subject to licensing under chapter one hundred and eleven

B, with respect to (a) expenditures for, or the acquisition of, medical, diagnostic or therapeutic equipment, four hundred thousand dollars, and (b) all other expenditures and acquisitions, eight hundred thousand dollars; provided, further, that expenditures and acquisitions concerned solely with outpatient services other than ambulatory surgery, not otherwise defined as new technology or innovative services by the department, shall not require a determination of need and shall not be included in the calculation of the expenditure minimum. Notwithstanding the above limitations, acute-care hospitals only may elect at their option to apply for determination of need for expenditures and acquisitions less than the expenditure minimum.

"Substantial change in services", shall mean: (1) (a) with regard to acute-care hospitals only, the addition or expansion of, or conversion to, a new technology or innovate service regardless of whether an expenditure minimum is exceeded; (b) for any acute-care hospital, the addition or expansion of, or conversion to any services which may be provided by facilities which are not acute-care hospitals; except that conversions of acute-care services to skilled nursing, rehabilitation, acute psychiatric, and substance abuse services located in an underbedded areas shall be determined by criteria developed by the department in consultation with the department of elder affairs, department of mental health, the Massachusetts federation of nursing homes, the Massachusetts hospital association and other interested parties, and that no such conversion shall occur until the department has certified in writing the conversions meet the criteria established. The department shall promulgate regulations to implement the provisions of said criteria for underbedded areas including, but not limited to medicaid access, and regulations to define criteria for reconversion; and (2) for any health care facility other than an acute-care hospital (a) the addition of a service which entails annual operating costs in excess of the expenditure minimum determined pursuant to this section; (b) any increase in bed capacity of more than twelve beds; (c) the addition or expansion of, or conversion to, a new technology or innovative service regardless of whether an expenditure minimum is exceeded; (d) provided, however, that no decrease in the level of a service that, pursuant to department regulations, may be offered by a nursing, convalescent, or rest home which does not involve a capital expenditure in excess of eight hundred thousand dollars shall be subject to the provisions of sections twenty-five C to twenty-five G, inclusive; (e) provided, further, that an increase in staff by itself shall not be defined by the department to constitute a substantial change in service unless said increase in staff will result in an addition to annual operating costs which exceeds the expenditure minimum determined pursuant to this section. Notwithstanding any other provisions to the contrary, a change of service concerned solely with outpatient services other than ambulatory surgery, not otherwise defined as a new technology or innovative services, shall not be defined by the department to constitute a substantial change of service.

"Expenditure minimum with respect to expenditures for a change in service or increase in staff", shall mean three hundred and fifty thousand

dollars in annual operating costs.

SECTION 33. Said section 25B of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words "which has geographical jurisdiction of the area served by a health care facility" and inserting in place thereof the words:- or its successor agency.

SECTION 34. Said chapter 111 is hereby further amended by inserting after section 25B the following section:-

Section 25B 1/2. Expenditure minimums established pursuant to section twenty-five B shall be adjusted annually by the department after consideration of any inflation index set by the Secretary of the United States Department of Health and Human Services.

SECTION 35. Subsection (a) of section 25C 1/2 of said chapter 111, as appearing in the 1986 Official Edition, is hereby amended by adding the following clause:-

(4) A health care facility if (a) the facility is or is going to 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, (b) the facility is, or will be located in an underbedded urban area as determined by criteria developed by the department in consultation with the Massachusetts federation of nursing homes and other interested parties, including the department of elder affairs, (c) the facility provides service, or will agree to provide service, to at least seventy per cent of its patients as enrollees in Title XIV 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) need for such facility has been established pursuant to an administrative review procedure shall be established by the department within ninety days of the effective date of this act.

SECTION 36. Section 25G of said chapter 111, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A violation of such provisions shall subject the violator to liability for a civil penalty of not more than five hundred dollars for each day of such violation, assessable by the superior court.

SECTION 37. Section 25I of said chapter 111, as so appearing, is hereby amended by inserting after the word "a", in line 6, the words:- schedule I or II.

SECTION 38. Section 51 of said chapter 111, as so appearing, is hereby amended by inserting after the second paragraph the following two paragraphs:-

Each hospital shall give the department an annual written statement

containing a licensure adjustment calculated pursuant to this section as of the first day of such hospital's fiscal year, and the department shall adjust the hospital's total licensed bed capacity accordingly. As of such date, each hospital's number of licensed acute-care medical-surgical beds, excluding all critical care beds, shall be adjusted to equal the lesser of: (a) the number of such licensed beds as reported for the prior year on rate setting commission form 403, schedule III, column 4, line 1; or (b) a number equal to the average daily census for such prior year divided by seventy-five hundredths. Such average daily census shall be calculated by dividing the number reported in rate setting commission form 403, schedule III, column 6, line 1, by three hundred and sixty-five. If a hospital experiences eighty-five per cent average occupancy for its adult medical-surgical beds excluding all critical care beds for three consecutive months, it may, by letter application documenting such occupancy, increase its licensed number of such beds to a number equal to the average daily census of adult medical-surgical beds excluding all critical care beds, divided by seventy-five hundredths, or to a number equal to its number of licensed beds for the preceding fiscal year, whichever is less. The department shall approve or disapprove such application within ten days after filing, on the basis of a review limited to the sole issue of whether such hospital is in fact experiencing such occupancy. If such application has not been acted upon by the department within such time limit, the application shall be deemed approved.

Each licensee shall maintain its licensed bed capacity at all times in accordance with the provisions of this chapter and all applicable rules and regulations promulgated by the department.

SECTION 39. Chapter 117 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after section 1 the following section:-

Section 1A. As of January first, nineteen hundred and ninety-one, the department shall establish a comprehensive health care program for persons eligible for assistance under this chapter. Such program shall include, at a minimum, coverage for inpatient and outpatient hospital services, physician services, and prescription medicine. In so far as is possible, such program shall be limited to services delivered in a managed care setting.

SECTION 40. Chapter 118E of the General Laws is hereby amended by inserting after section 1 the following two sections:-

Section 1A. The department shall establish a program of medical care and assistance for pregnant women and infants who are not otherwise eligible for medical assistance under this chapter and who lack private health insurance coverage or have a health insurance policy which does not cover all medically necessary care which is covered by the program established by this section. The department shall furnish such medical assistance to each such pregnant woman and infants residing in the commonwealth in accordance with standards of eligibility established by section 1902 of the Social Security Act, as amended by section 4101 of

the Omnibus Budget Reconciliation Act of 1987 (P. L. 100-203); provided, however, that the income eligibility standards shall not be less than one hundred and eighty-five per cent of the non-farm income poverty guidelines as defined by the United States Office of Management and Budget.

Section 1B. The benefits of the program of medical care and assistance under this chapter shall be extended for up to twenty-four months for those families and individuals who would otherwise be ineligible for the program due to increased income from employment and whose employer does not offer health care insurance; provided, however, that 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. Extended benefits under this section shall not be available after March thirty-first, nineteen hundred and ninety-two.

SECTION 41. Said chapter 118E is hereby further amended by inserting after section 6 the following two sections:-

Section 6A. The department shall establish a program of primary and supplemental medical care and assistance for certain disabled residents of the commonwealth who are not eligible for medical assistance pursuant to Title XIX of the federal Social Security Act. The benefits of such program shall be available to all such persons (1) who are not covered for medical costs relative to their disability by an employer's group health insurance plan, (2) who are not eligible for medical assistance under any work incentive programs with federal participation, and (3) who, if not engaged in substantial gainful activity, would meet all eligibility requirements for supplemental security income under the provisions of Title XVI of said Social Security Act at the time of application for said program of medical care and assistance. Subsequent to their enrollment in said program, such disabled residents may continue in enrollment in said program notwithstanding the fact that they no longer meet the financial requirements of said Title XVI in accordance with income requirements established by the department. The cost of such program shall be funded, in part, by premium contributions, co-payments, and deductibles contributed by enrollees according to a sliding scale schedule designed by the department.

Section 6B. The department shall establish a program of medical care and assistance for certain disabled children of the commonwealth. The benefits of such program shall be available to children who are not eligible for medical assistance programs with federal financial participation and who would meet the disability requirements for supplemental security income under the provisions of Title XVI of the Social Security Act. The cost of such program shall be funded, inpart, by premium contributions, co-payments and deductibles according to a sliding scale schedule designed by the department.

SECTION 42. The last paragraph of section 10 of said chapter 118E, as so appearing, is hereby amended by adding the following two sentences:- 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; has served in the armed services; has been emancipated by the courts; or has received or intends to receive care pursuant to section twelve F of chapter one hundred and twelve, 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 Supplemental Security Income 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 43. Section 18 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 8, the word "and",- and by striking out, in line 10, the word "program" and inserting in place thereof the following:- program;

(5) Participation in the program as a skilled nursing and/or intermediate care facility shall be limited to providers who:

agree to be responsible for all overpayments owed to the department of public welfare, including, in the case of transfer of ownership, the overpayments of any and all previous owners.

SECTION 44. Section 19 of said chapter 118E, as so appearing, is hereby amended by inserting after the word "to", in line 4, the words:- administrative fines, and.

SECTION 45. The General Laws are hereby further amended by inserting after chapter 118E the following chapter:-

CHAPTER 118F.

DEPARTMENT OF MEDICAL SECURITY.

Section 1. It is hereby found and declared:

That, the access of residents of the commonwealth to basic health care services is a natural, essential, and unalienable right which is protected by Article I of Part the First of the Constitution.

That, there live within the commonwealth many thousands of persons who lack access to basic health care services because they are not able to purchase health care insurance at a reasonable price or because they are restricted from purchasing health insurance by the practices of the insurance industry.

That, such lack of access to health care negatively affects the health status of the uninsured in the commonwealth by the delay or lack of medical treatments, thereby increasing the incidence of disease and illness in the commonwealth.

That, the cost of providing hospital care to the uninsured is a burden on the taxpayers and certain businesses in the commonwealth.

That, most businesses in the commonwealth assist their employees in the purchase of health care insurance and that many other businesses are precluded from providing such assistance because of economic and cost concerns.

That, the inability of certain businesses to offer health insurance benefits to their employees is a hindrance to their ability to compete for capable employees in the labor market and therefore has a negative economic impact on the commonwealth.

Therefore, it is found that it is in the public interest of the commonwealth to promote the accessibility of health care services for all its citizens, a public purpose for which public money may be expended.

Section 2. The following terms as used in this chapter shall have the following meanings, except where the context clearly indicates otherwise:-

"Acute hospital", any hospital, which contains a majority of medical-surgical, pediatric, obstetric, and maternity beds as defined by the department of public health.

"Bad debt", an account receivable based on services furnished to any patient which (i) is regarded as uncollectable, following reasonable collection efforts consistent with the regulations of the department, (ii) is charged as a credit loss, (iii) is not the obligation of any governmental unit or of the federal government or any agency thereof, and (iv) is not free care.

"Child", any person who is under eighteen years of age.

"Chronic hospital", any hospital which is not an acute hospital.

"Community health center", an organization which provides primary health care and other health care services in conformance with the requirements of section 330 of United States Public Law 95-626, as most recently amended by United States Public Law 97-35.

"Consumer", a natural person responsible for payment for health care services rendered by a provider.

"Department", the department of medical security.

"Dependent", the spouse and children of an employee if these persons would qualify for dependent status under the Internal Revenue Code or for whom a support order could be granted under chapters two hundred and eight, two hundred and nine, or two hundred and nine C.

"Employee", a person who performs services primarily in Massachusetts for remuneration for a Massachusetts employer; provided, however, that a person who is self-employed is not considered to be an employee.

"Employer", any employer as defined in section one of chapter one hundred and fifty-one A.

"Enrollee", a person who becomes a member of an insurance program of the department either individually or as a member of a family.

"Free care", a revenue deduction associated with the provision of services to patients who have reasonably been deemed financially unable to pay, in whole or in part, for their care, consistent with the regulations of the department.

"Health care services", supplies, care, and services of medical, surgical, optometric, dental, podiatric, chiropratic, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, supportive, or geriatric nature, including but not limited to, inpatient and outpatient acute hospital care and services, and services provided by a community health center, by a sanatorium as included in the definition of "hospital" in title XVIII of the federal Social Security Act and treatment and care compatible with such services, or by a health maintenance organization.

"Health insurance company", any company as defined in section one of chapter one hundred and seventy-five which engages in the business of health insurance.

"Health insurance plan", the medicare program or any individual or group contract or other plan providing coverage of health care services which is issued by a health insurance company, a hospital service corporation, a medical service corporation or a health maintenance organization.

"Health maintenance organization", a company which provides or arranges for the provision of health care services to enrolled members in exchange primarily for a prepaid per capita or aggregate fixed sum as further defined in section one of chapter one hundred and seventy-six G.

"Hospital", any hospital licensed under section fifty-one of chapter one hundred and eleven, and the teaching hospital of the University of Massachusetts Medical School and any psychiatric inpatient facility licensed under section twenty-nine of chapter nineteen.

"Hospital agreement", an agreement between a nonprofit hospital service corporation and signatory hospitals approved by the rate setting commission pursuant to section five of chapter one hundred and seventy-six A.

"Hospital service corporation", any corporation established for the purpose of operating a nonprofit hospital service plan as provided for in chapter one hundred and seventy-six A.

"Managed health care plan", a health insurance plan which provides or arranges for, supervises and coordinates health care services to enrolled participants, including plans administered by health maintenance organizations and preferred provider organizations.

"Maximum reimbursable uncompensated care costs", the sum of (a) one hundred and fourteen per cent multiplied by the projected patient care costs for a hospital service corporation and for purchasers and third party payors who pay on the basis of charges, and (b) the payments the Title XVIII program made for free care to the acute hospital for the fiscal year beginning October first, nineteen hundred and eighty-four or July first, nineteen hundred and eighty-five trended to the then current fiscal year by the most applicable composite Data Resources, Incorporated, inflation index that was utilized under hospital agreement thirty.

"Medicaid program", the medical assistance program administered by the department of public welfare pursuant to chapter one hundred and eighteen E and in accordance with Title XIX of the federal Social Security Act.

"Medical assistance program", the medicaid program, the Veterans

Administration health and hospital programs, and any other medical assistance program operated by a governmental unit for persons categorically eligible for such program.

"Medical service corporation", any corporation established for the purpose of operating a nonprofit medical service plan as provided for in chapter one hundred and seventy-six B.

"Medicare program", the federal medical insurance program established by Title XVIII of the federal Social Security Act.

"Patient care costs", reimbursable costs derived in accordance with sections eighty to eighty-two A, inclusive, of chapter six A.

"Private sector share of projected patient care costs", for any hospital in a fiscal year shall be the sum of the projected patient care costs of a hospital service corporation and the projected patient care costs for purchasers and third party payors who pay on the basis of charges.

"Provider", any person, corporation, partnership, governmental unit, state institution, and other entity qualified under the laws of the commonwealth to perform or provide health care services.

"Purchasers and third party payors who pay on the basis of charges", purchasers and third party payors excluding: Title XVIII and Title XIX, other government payors, and nonprofit hospital service corporations to the extent that payments by such corporation are reduced by the uniform differential.

"Reimbursable bad debt costs", the amount of projected patient care costs which are written off as bad debt, net of amounts recovered as a result of collection efforts by the hospital or its agents.

"Reimbursable free care costs", the projected patient care costs which are written off as free care, net of any payments for free care pursuant to section thirty-two B of chapter six A and net of free care income and grants.

"Reimbursable uncompensated care costs", the sum of reimbursable bad debt costs and reimbursable free care costs.

"Resident", a person living in the commonwealth, as defined by the department by regulation; provided, that the person did not move to Massachusetts for the sole purpose of securing health insurance under this chapter; provided, further, that confinement of a person in any nursing home, hospital, or other medical institution in the commonwealth shall not by itself be sufficient to qualify such person as a resident.

"Self-employed", a person who, under the common law applicable to the employer-employee relationship, is not considered to be an employee and whose primary source of income is derived from the pursuit of a bona fide business.

"Self-insurance health plan", a plan which provides health benefits to the employees of a business, which is not a health insurance plan, and in which the business is liable for the actual costs of the health care services provided by the plan plus administrative costs.

"Small business", any business, including a business consisting only of the self-employed, in which the total of full time equivalent employees when averaged on an annual basis does not exceed fifty.

"Third-party payor", any entity including, but not limited to, the medicaid program, the medicare program, a health insurance company, a

health maintenance organization, a hospital service corporation, a medical service corporation, but not including a consumer, responsible for payment to a provider for health care services rendered by such provider.

Section 3. There is hereby established the department of medical security and a commissioner of the department who shall exercise supervision and control of the department. All action of the department shall be taken by the commissioner, or at the direction of said commissioner, by such agents or subordinate officers as he shall determine.

The purpose of the department shall be to provide, on a basis calculated to reduce or contain the costs of the program, a program of insurance coverage for health care services for persons in the commonwealth who are not otherwise eligible for or covered by a health insurance plan, a self-insurance health plan, a medical assistance program, or any other plan or program which provides for payment by a third-party payor for health care services.

The department shall be a corporation for the purpose of taking, holding, and administering in trust for the department any grant, devise, gift, or bequest and any revenue collected in any trust fund of the department.

Section 4. The secretary of human services shall appoint, with the approval of the governor, a commissioner of the department of medical security 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 have such educational qualifications and such administrative and other experience as the secretary of human services determines to be necessary for the performance of the duties of commissioner. The commissioner shall appoint and may remove such agents and subordinate officers as the commissioner may deem necessary and may establish such divisions and subdivisions within the department as the commissioner deems appropriate from time to time. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

Section 5. The commissioner shall appoint, with the approval of the secretary of human services, a person qualified to serve as deputy commissioner of the department. Said deputy commissioner shall perform such duties as the commissioner may determine and shall, in the case of a vacancy in the office of commissioner and during said commissioner's absence or disability, exercise the powers and perform the duties of the office of the commissioner.

The deputy commissioner shall have such educational qualifications and such administrative and other experience as the commissioner determines to be necessary for the performance of the duties of deputy commissioner. The position of deputy commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

Section 6. In addition to all powers conferred on state agencies, the

department shall have the following powers:-

(a) to make, amend, and repeal rules and regulations for the management of its affairs;

(b) to make contracts and execute all instruments necessary or convenient for the carrying on of its business;

(c) to acquire, own, hold, dispose of, and encumber personal property and to lease real property in the exercise of its powers and the performance of its duties;

(d) to enter into agreements or transactions with any federal, state, or municipal agency, or other public institution, or with any private individual, partnership, firm, corporation, association, or other entity;

(e) to manage the hospital uncompensated care pool established pursuant to section fifteen, in conjunction with the rate setting commission;

(f) to establish advisory boards to expand the participation in its decisions and to draw on the experience of representatives from all aspects of the health care financing field, including, but not limited to, providers, consumers, third-party payors, businesses, unions, and academicians;

(g) to procure insurance in connection with its duties in such amounts and from such insurers as may be necessary or desirable;

(h) to provide a health insurance program through the purchase of health insurance plans from the private sector, including managed health care plans; provided that the financial assumptions underlying these purchasing arrangements shall be made on an actuarially sound basis; and provided, further, that the department shall not, unless specifically required by the provisions of this chapter, be subject to the provisions of chapters one hundred and seventy-five, one hundred and seventy-six A, one hundred and seventy-six B, or one hundred and seventy-six C;

(i) to design and to revise a basic schedule of health care services which enrollees in the health insurance program shall be entitled to receive, such covered services to include those which typically are included in employer-sponsored health benefit plans in the commonwealth; provided, however, that the department may promulgate schedules of covered health care services which differ from the basic schedule and which apply to specific classes of enrollees;

(j) to establish a schedule of premium contributions, co-payments, co-insurance, and deductibles to be paid by enrollees in its health insurance program, including reduced premiums based on a sliding fee, and other fees and revise them from time to time, subject to the approval of the division of insurance; provided, however, that such schedule shall provide for such enrollees to pay one hundred per cent of such premium contributions if their income substantially exceeds the non-farm poverty guidelines of the United States office of management and budget;

(k) to maintain a prudent level of reserve funds to protect the solvency of the trust funds of the department; and

(l) to conduct studies concerning the status of health care access in the commonwealth, including the impact on consumers and businesses of the various programs established by this chapter.

Section 7. The department shall establish such advisory boards as it deems necessary to advise it in matters relating to the functions, duties and powers set forth in this chapter.

One advisory board shall advise the department relative to small business access to affordable health care. Such board shall consist of nine members appointed by the commissioner, five of whom shall represent small businesses; one of whom shall be an agent or broker of health insurance, one of whom shall represent a hospital service corporation, one of whom shall represent a health insurance company, and one of whom shall represent a health maintenance organization. Said board shall meet from time to time and shall advise the commissioner on all matters concerning small businesses for which the department is authorized to establish programs, and shall review menu or cafeteria plans, so-called, for the purpose of recommending whether such plans ought to be included as an allowable deduction under subsection (c) of section fourteen G of chapter one hundred and fifty-one A.

Another advisory board shall advise the department on matters relative to the uninsured. Such board shall consist of nine members appointed by the commissioner, three of whom shall be consumer representatives, one of whom shall be an organized labor representative, one of whom shall be a hospital representative, one of whom shall be a community health center representative, one of whom shall be a physician representative, one of whom shall be a health insurance representative, and one of whom shall be a business representative. Such board shall advise the department on all matters relative to the programs of the department to provide health insurance to the uninsured.

Section 8. The department shall establish health insurance programs consistent with this chapter to improve the access to health care for all residents of the commonwealth who are not covered by a health insurance plan, a self-insurance plan, or a medical assistance program. The department shall not operate as an insurance company but shall make health insurance plans available to such residents of the commonwealth through the purchase of health insurance plans, including managed health care plans, from private health insurance companies, a hospital service corporation, a medical service corporation, or health maintenance organizations, and through the brokering of health insurance for employers and consumers of health care services. The department shall endeavor to purchase health insurance plans in an economical manner, and shall enroll individuals in managed health care plans wherever practicable.

Section 9. The department shall, subject to appropriation or subject to the availability of unappropriated funds, negotiate with and purchase, on such terms as it deems to be in the best interest of the department and its enrollees, from one or more insurance companies, hospital service corporations, medical service corporations, or health maintenance organizations, a policy or policies of group general or blanket insurance providing hospital, surgical, medical, and other health insurance benefits covering the following persons: (1) residents of the commonwealth, and their dependents, who are receiving benefits under chapter one hundred

and fifty-one A and who are not enrolled in health insurance plans, self-insurance health plans, or medical assistance programs, (2) employees and their dependents not eligible for group health insurance partially or fully paid for by employers and who are not enrolled in any other health insurance plans, self-insurance health plans, or medical assistance programs, and (3) all other residents of the commonwealth not enrolled in health insurance plans, self-insurance health plans, or medical assistance programs.

The department shall execute all agreements or contracts pertaining to said policies or any amendments thereto for and on behalf and in the name of the department. Said department may negotiate any contract for such term not exceeding three years as it may in its discretion deem to be the most advantageous to the department and its enrollees; provided, however, that the department shall endeavor to contract with such insurance companies, a hospital service corporation, or medical service corporations only for managed health care plans or for health insurance plans which employ other methods to reduce costs of health care services; provided, further, that the department shall ensure that every enrollee shall have a choice of a least two plans providing health care insurance benefits; and provided, further, that not more than thirty per cent of the enrollees may be enrolled in a health insurance plan of a single health insurance company, hospital service corporation, or health maintenance organization.

The department shall promulgate regulations regarding eligibility criteria, enrollment, and termination policies. The department shall establish procedures consistent with the provisions of chapter thirty A by which individuals who participate or are seeking to participate in the health insurance program of the department may appeal determinations of noneligibility, enrollment, and termination. The department shall allow, on an annual basis, an opportunity for enrollees to transfer their enrollments among participating health insurance plans.

The department shall establish a schedule of premium contributions, copayments, deductibles, or co-insurance amounts to be paid by individual enrollees for any policy or policies purchased by the department. The schedule shall establish a sliding scale of payments for enrollees based on family income and size and any other factor or factors determined to be relevant or appropriate by the department; provided, however, that such schedule shall provide for enrollees to pay one hundred per cent of such premium contributions if their income substantially exceeds the non-farm poverty guidelines of the United States office of management and budget. The department shall establish procedures by which any enrollee may appeal the determination of his contribution.

The department shall require that any insurance company, hospital service corporation, medical service corporation, or health maintenance organization, that provides health care benefits to enrollees shall establish grievance procedures which are approved by said department and, in the case of actions taken directly by the department, the department shall establish its own grievance procedures. Such procedures shall not be subject to the requirements of chapter thirty A.

Any health insurance plan provided by the department to its enrollees through a contract with a health insurance company, hospital service corporation, medical service corporation, or health maintenance organization, shall provide a reasonable range of health care services to enrollees, shall ensure access to an adequate range of health care providers, and shall include any mandated benefits otherwise required by law. Any such health insurance plan which constitutes a managed health care plan shall provide, at a minimum, the following benefits: inpatient and outpatient acute hospital services, inpatient and outpatient physician services, diagnostic and screening tests, preventive care, prenatal and well-baby care; medically necessary emergency health services; and all other benefits which health maintenance organizations are required by law to provide. For the purposes of this chapter, the term "physician" shall include a podiatrist acting within the limitations imposed by section thirteen of chapter one hundred and twelve.

Section 10. The department shall, subject to appropriation or subject to the availability of unappropriated funds, establish phase-in initiatives on a regional, statewide, or population basis which shall be designed to test the relative advantages and disadvantages of alternative methods of providing health insurance plans, particularly managed health care plans, to persons lacking health insurance. Such phase-in initiatives shall be established through contracts with appropriate health insurance companies, hospital service corporation, medical service corporation, or health maintenance organizations. The department shall utilize such phase-in initiatives as part of a plan to provide health insurance to the uninsured on an orderly and gradual basis. Such phase-in initiatives shall be funded for a period not to exceed two years; provided, however, that any such initiative found by the department to be an efficient and effective method of providing health care services to the uninsured may be funded by the department on a permanent basis, subject to the conditions of section nine.

The department may include in such a phase-in initiative any of the persons eligible for coverage in a health insurance program authorized by this chapter as well as persons eligible for medicare and medicaid programs. The department shall endeavor to test several alternative methods of providing health care to the uninsured, including the utilization of preferred provider arrangements established by health insurance companies. The department shall also endeavor to establish such phase-in initiatives in different regions of the state and in urban and rural settings. The department shall make a study of the effectiveness of the various phase-in initiatives.

The department shall require that any health insurance plan, including a managed health care plan, with which it contracts under this section must submit annually to the department a report of the demographics and utilization patterns of the enrollees. The department shall have the authority to conduct a financial and program audit of any such health insurance plan.

Section 11. The department shall establish programs to enable small businesses to purchase health insurance for their employees at rates which are as equivalent as possible to the rates at which large employers

can purchase health insurance. Such programs shall include, but not be limited to, the following:

(1) the study of the insurance market and the practices of insurance companies, hospital service corporations, medical service corporations and health maintenance organizations, to determine the causes of the relative unavailability of health insurance plans for small businesses and of disproportionate health insurance premium costs for small businesses and to recommend and develop initiatives and strategies to improve the availability and reduce the relative cost of health insurance for small businesses;

(2) the establishment of phase-in initiatives to broker health insurance transactions between small businesses and health insurance companies, hospital service corporations, medical service corporations, and health maintenance organizations;

(3) the awarding of technical assistance grants to private organizations to assist them to act as brokers on behalf of small businesses seeking to procure health insurance plans;

(4) the establishment of a small business health insurance pool for businesses consisting of six or fewer full time equivalent employees, for the purpose of purchasing health insurance plans for employees and their dependents of businesses in the pool, and the study of the expansion of such pool to cover small businesses of up to ten full time equivalent employees; provided, however, that not more than thirty per cent in the aggregate of the employees may be enrolled in a health insurance plan of a single health insurance company, hospital service corporation, or health maintenance organization;

(5) the evaluation of the effectiveness of the initiatives of the department and tax incentives in reducing the cost of health insurance to small businesses and the impact of such voluntary incentives on the number of small businesses offering health insurance to their employees; and

(6) the management of the health insurance hardship trust fund to protect certain businesses from being overburdened by the contribution required pursuant to section fourteen G of chapter one hundred and fifty-one A.

The small business advisory board shall establish criteria to assess and evaluate the incentives and mechanisms created herein for small businesses concerning voluntary participation in a universal health insurance program. The results of said assessment and evaluation shall be reported to the department no later than March first, nineteen hundred and ninety-one, with recommendations for such changes to assure the effectiveness of such voluntary incentives. The department shall make its recommendations to the general court by July first, nineteen hundred and ninety-one concerning such voluntary incentives and any desirable statutory changes, including repeal or postponement of the contribution required by subsection (b) of section fourteen G of chapter one hundred and fifty-one A, if necessary, to assure the effectiveness of said incentives. The recommendation shall include an assessment of the impact of the hardship trust fund on small businesses, and shall include a recommendation as to whether business profits should

be an element of eligibility under the hardship trust fund.

Section 12. The department shall, subject to appropriation or subject to the availability of unappropriated funds, establish a small business health insurance pool program by negotiation with private third-party payors, and purchase, on such terms as it deems to be in the best interest of the department and its enrollees, from one or more insurance companies, hospital service corporations, medical service corporations, or health maintenance organizations, a policy of group general or blanket insurance providing hospital, surgical, medical, and other health insurance benefits covering persons who are the employees and their dependents of small businesses in which the number of full-time equivalent employees does not exceed six.

The department shall execute all agreements or contracts pertaining to said policies or any amendments thereto for and on behalf of and in the name of the department. Said department may negotiate a contract for such term not exceeding three years as it may in its discretion deem to be the most advantageous to the department and the eligible small business employees; provided, however, that the department shall endeavor to purchase health insurance plans in an economical manner and shall enroll individuals in managed health care plans whenever practicable; provided, further, that the department shall ensure that every enrollee shall have a choice of at least two policies providing health care insurance benefits. The department shall promulgate regulations regarding eligibility criteria, enrollment, and termination policies. The department shall allow, on an annual basis, an opportunity for enrollees to transfer their enrollments among participating health insurance plans.

The department shall establish a schedule of premium contributions, copayments, deductibles, or co-insurance amounts to be paid by eligible small businesses and individual enrollees; provided, however, that such schedule shall provide for enrollees to pay one hundred per cent of such premium contributions if their income substantially exceeds the non-farm poverty guidelines of the United States office of management and budget.

Section 13. The department shall, subject to appropriation or subject to the availability of unappropriated funds, establish a health insurance hardship program to assist employers severely impacted by the medical security contribution established pursuant to subsection (b) of section fourteen G of chapter one hundred and fifty-one A. Said program shall provide assistance to such employers (1) who are small businesses and (2) for whom said medical security contribution exceeds five per cent of the employer's gross revenue. Such assistance shall reduce the employer's medical security contribution to an amount equal to five per cent of the employer's gross revenues.

Such assistance shall be expended from the health insurance hardship trust fund without further appropriation in accordance with rules and regulations of the department.

The commissioner may transfer amounts from the medical security trust fund to the health insurance hardship trust fund only upon a finding by the rate review board established by section fourteen G of chapter

one hundred and fifty-one A that there is a surplus in said medical security trust fund and that such transfer would be in the best interest of the employers of the commonwealth.

Section 14. The department shall establish a continuing program of investigation and study of the uninsured and underinsured in the commonwealth.

One such study shall examine the impact of the lack of adequate health insurance on residents in the commonwealth, including the effects of medicare cutbacks and medex premium increases on poor and near-poor elders and the problems of persons, particularly children, with disabilities who have difficulty obtaining adequate health insurance coverage. Such study shall document such impact and shall develop recommendations and proposals to remedy the situation.

Another such study shall examine the overall impact of programs developed by the department and the department of public welfare on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance.

Section 15. (1) The department shall administer an uncompensated care pool consisting of the revenues produced by the uniform statewide allowance for uncompensated care included in gross patient service revenues of acute hospitals pursuant to section eighty-three of chapter six A and of state revenues appropriated for the pool in accordance with this section.

(2) The hospital's liability to the pool shall equal the product of the uniform statewide allowance for uncompensated care times the sum of (a) the hospital's private sector share of projected patient care costs for the fiscal year, and (b) a working capital allowance specified by the commission for such fiscal year.

(3) The liability of the pool to the hospital shall equal the lesser of: (i) the reimbursable uncompensated care costs of such hospital for such fiscal year, or (ii) the maximum reimbursable uncompensated care costs of such hospital for such fiscal year.

(4) The department shall manage the pool in order to provide for prompt payments to and from hospitals, create a consistent and orderly transfer of funds to and from hospitals, and encourage maximum efficiency and appropriateness in the utilization of acute hospital services. Such management shall include the purchase and enrollment of individuals in managed health care plans. For each fiscal year, the department shall calculate the net liability of each acute hospital to the pool by subtracting from the amount of the liability of the hospital to the pool for such fiscal year the amount of the liability of the pool to the hospital for such fiscal year. The result, if positive, shall be the net hospital liability to the pool, and, if negative, shall be the net liability of the pool to the hospital. The department shall establish a system of payments by hospitals and by the pool whereby each fiscal year each hospital pays an amount of revenue equal to its net liability to the pool or receives from the pool an amount of revenue equal to the net liability of the pool to the hospital. Such system may provide for periodic payments of net liabilities to and from the pool, for the collection and expenditure by the pool of revenues equal to the amounts of hospi-

tals' liabilities to and from the pool, or for any other payment mechanism which the department finds appropriate to the management of the pool and the financial needs of the hospitals.

(5) The department shall establish an appropriate mechanism for enforcing a hospital's obligation to the pool in the event that any hospital does not make a scheduled payment to the pool. Such enforcement mechanism may include the assessment of a five per cent surcharge on any withheld amount. The department shall not at any time make payments from the pool for any period in excess of amounts that have been paid into or are available in the pool for such period; provided, however, that the department may temporarily prorate payments from the pool for cash flow purposes. The department shall establish a final settlement of the pool for each fiscal year to adjust for audit findings the differences between any interim payments to or from the pool and the actual liability of each acute hospital to the pool or of the pool to the hospital.

(6) No more than one hundred thousand dollars of the amount paid by the hospitals to the pool may be expended in any fiscal year for the reasonable costs of administering the pool.

(7) Subject to the limits contained in this subdivision, the revenues in the pool shall be supplemented by amounts appropriated by the commonwealth in the event that the total liability of the pool to all hospitals for such fiscal year exceeds the total private sector liability of the pool for such fiscal year as prescribed in section eighty-seven of chapter six A. The total amount of such supplement for any fiscal year shall not exceed the sum of (a) one hundred and fifteen per cent of the amount of such total liability of the pool to all hospitals for the prior fiscal year, minus such total private sector liability for the current year and (b) fifty per cent of any amount by which the total of the liability of the pool to all hospitals for the current fiscal year exceeds one hundred and fifteen per cent of the amount of such liability of the pool to all hospitals for the prior fiscal year. The department shall not pay any amount of such liability of the pool to all hospitals which exceeds the sum of the total private sector liability to the pool for the fiscal year and the amount of the commonwealth's supplement for such fiscal year pursuant to this subdivision. The department shall prorate any resulting shortfall among all hospitals. The department and the rate setting commission shall periodically evaluate and shall determine jointly whether a supplement pursuant to this subdivision is necessary for any fiscal year.

(8) Payments by acute hospitals to the pool and state revenues appropriated for the supplement provided in subdivision (7) shall be placed in an uncompensated care trust fund established in section seventeen. Amounts placed in the fund may be expended by the department for the purposes of said pool, including lawful expenditures for the purpose of reducing hospitals' write-offs for bad debt and free care.

(9) The department shall promulgate regulations establishing criteria for hospital credit and collection policies, after consultation with the Massachusetts hospital association and other concerned organ-

izations as identified by the department, to ensure that hospitals make reasonable efforts to collect payment for hospital services prior to attributing those services to bad debt or free care. In developing such criteria, the department shall identify those populations which shall not require collection action. Such policies shall be in conformance with applicable credit laws of the commonwealth and the United States. The department shall also promulgate regulations necessary to manage the uncompensated care pool pursuant to this section, including, but not limited to: regulations providing audit standards for the pool, regulations establishing an enforcement mechanism pursuant to subdivision (5), and regulations containing reasonable controls on utilization which shall include the purchase and enrollment of individuals in managed health care plans and which are consistent with such controls contained in the most current hospital agreement and in regulations pursuant to Title XVIII of the Social Security Act. Regulations regarding utilization control shall be adopted only after a public hearing.

Section 16. There is hereby established a medical security trust fund, which shall be administered and expended by the department without further appropriation. Said fund shall consist of all premiums, fees, contributions, and other monies paid into the state treasury and credited to the trust fund as provided in this chapter; all property and securities acquired by and through the use of monies belonging to the trust fund and all interest thereon; less amounts transferred to the health insurance hardship trust fund pursuant to section thirteen; less payments therefrom for payments to health insurance companies, nonprofit hospital and medical service companies, health maintenance organizations, for refunds or abatements for enrollees or former enrollees. All monies appropriated for the use of the department for the purpose of providing health insurance for the uninsured and all monies earned on the amounts in said trust fund shall be deposited or retained in said trust fund. In addition, all of the contributions collected pursuant to section fourteen G of chapter one hundred and fifty-one A shall be deposited in the trust fund.

There shall be within the medical security trust fund at least three separate accounts described as follows:

(a) an unemployment health insurance contribution account which shall consist of all employer contributions required pursuant to subsection (a) of section fourteen G of chapter one hundred and fifty-one A and premiums paid by enrollees and which shall be used exclusively for the payments of premiums for health insurance plans provided to persons receiving unemployment compensation;

(b) a medical security contribution account which shall consist of all employer contributions required pursuant to subsection (b) of section fourteen G of chapter one hundred and fifty-one A, premiums paid by enrollees, other voluntary contributions by other persons or entities, and appropriations from the commonwealth and which shall be used exclusively for the payments of premiums for health insurance plans provided to eligible employees and their families; and

(c) a public sector responsibility account which shall consist of all premiums paid by enrollees, voluntary contributions by other persons and

entities, and appropriations from the commonwealth and which shall be used for payments of premiums for health insurance plans provided to all other residents of the commonwealth who lack health insurance.

Amounts in said accounts shall be kept separate and not commingled except upon approval of the rate review board established pursuant to paragraph (h) of section fourteen G of chapter one hundred and fifty-one A and a finding by said board that temporary commingling of said accounts is a short-term measure necessary to ensure the solvency of the trust fund. Any amounts so commingled shall be restored to the appropriate account within ninety days.

The commissioner shall from time to time requisition from said trust fund such amounts as he deems necessary to meet the current obligations of the department and estimated obligations for a reasonable future period.

Section 17. There is hereby established an uncompensated care trust fund, which shall be administered and expended by the department without further appropriation. The fund shall consist of all amounts paid by hospitals to the uncompensated care pool established by section fifteen; all appropriations for the purpose of uncompensated hospital care; all property and securities acquired by and through the use of monies belonging to the trust fund and all interest thereon; less payments therefrom for the purposes of the pool pursuant to section fifteen. All interest earned on the amounts in said trust fund shall be deposited or retained in said trust fund.

The commissioner shall from time to time requisition from said trust fund such amounts as the commissioner deems necessary to meet the current obligations of the department for the purposes of said trust fund and estimated obligations for a reasonable future period.

Section 18. There is hereby established a health insurance hardship trust fund which shall be administered and expended by the department without further appropriation. The fund shall consist of all penalties collected pursuant to section fourteen G of chapter one hundred and fifty-one A; all appropriations for the purpose of section thirteen; all property and securities acquired by and through the use of monies belonging to the trust fund and all interest thereon; all amounts transferred from the medical security fund in accordance with section thirteen; less payments therefrom for the purposes of the health insurance hardship program. All interest earned on the amounts in said trust fund shall be deposited or retained in said trust fund.

The commissioner shall from time to time requisition from said trust fund such amounts as he deems necessary to meet the current obligations of the department for the purposes of said trust fund and estimated obligations for a reasonable future period.

Section 19. The department shall provide that all residents of the commonwealth will have access to basic health insurance or managed care at a reasonable cost by March first, nineteen hundred and ninety-two, subject to appropriation or subject to the availability of unappropriated funds. To achieve the goal of universal access to health care, the following programs shall be established in accordance with the following schedule:

(1) As of April first, nineteen hundred and eighty-eight, or as soon as possible thereafter, the department shall begin the following responsibilities:

(a) initiation of a study of the adequacy of health insurance for certain residents of the commonwealth pursuant to section fourteen;

(b) initiation of a study of the relationship of small businesses to the insurance market pursuant to clause (1) of section eleven; and

(c) the purchase and enrollment of individuals in managed health care plans pursuant to section fifteen.

(2) As of July first, nineteen hundred and eighty-eight, the following programs shall become effective:

(a) the program of supplemental health care coverage to disabled adults as established by section six A of chapter one hundred and eighteen E;

(b) the program of supplemental health coverage to disabled children as established by section six B of chapter one hundred and eighteen E; and

(c) at least two phase-in initiatives to provide health insurance for the uninsured in accordance with section ten.

(3) As of October first, nineteen hundred and eighty-eight, the department shall assume the management of the uncompensated care pool pursuant to section fifteen.

(4) As of July first, nineteen hundred and eighty-nine, the following programs shall become effective:

(a) completion of the study authorized in clause (b) of paragraph (1) of this section;

(b) the small business health insurance pool as established by section eleven and other initiatives authorized by clauses (2), (3), and (4) of section eleven;

(c) the tax credit for businesses providing health insurance to their employees for the first time as authorized in subsection (e) of section six of chapter sixty-two and in section thirty-one D of chapter sixty-three; and

(d) additional phase-in initiatives to provide health insurance for the uninsured in accordance with section ten.

(5) On September first, nineteen hundred and eighty-nine, the requirement that all college and university students have health insurance pursuant to section seven B of chapter fifteen A shall become effective.

(6) On January first, nineteen hundred and ninety, the program to provide health insurance to persons receiving unemployment insurance pursuant to subsection (1) of chapter fourteen G of chapter one hundred and fifty-one A shall become effective. Health insurance benefits shall become available to eligible persons as of April first, nineteen hundred and ninety. In addition, as of said date, the department shall complete the study authorized in clause (a) of paragraph (1) of this section.

(7) As of January first, nineteen hundred and ninety-one, the commonwealth shall reassume the cost of hospital care for general relief recipients as authorized by section one A of chapter one hundred and seventeen.

(8) As of July first, nineteen hundred and ninety-one, the department

shall complete the study of the phase-in initiatives as authorized in section ten.

(9) On January first, nineteen hundred and ninety-two, the program to provide health insurance to employed persons pursuant to section fourteen G of chapter one hundred and fifty-one A shall become effective. Health insurance benefits shall become available to eligible persons as of April first, nineteen hundred and ninety-two.

(10) As of January first, nineteen hundred and ninety-three, the department shall complete a study of the impact of the programs authorized or referred to in this chapter on the availability of health care for the uninsured in the commonwealth as authorized in section fourteen.

Section 20. Nothing in this chapter shall be construed to authorize any person not licensed to practice medicine to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.

SECTION 46. Chapter 151A of the General Laws is hereby amended by inserting after section 14F the following section:-

Section 14G. (a) Each employer, except those employers who employ five or fewer employees, subject to the provisions of section fourteen, fourteen A, or fourteen C shall pay, in the same manner and at the same times as the director prescribes for the contribution required by section fourteen, an unemployment health insurance contribution computed by multiplying the wages paid its employees by twelve hundredths of one per cent.

(b) Each employer, except those employers who employ five or fewer employees, subject to the provisions of section fourteen, fourteen A, or fourteen C shall pay, in the same manner and at the same times as the director prescribes for the contribution required by section fourteen, a medical security contribution for each employee computed by multiplying the wages paid each employee by twelve per cent. For the purposes of this section, "employee" shall not include the following employees of any employer: (i) any employee who has been employed by such employer for fewer than ninety days from date of hire, (ii) any employee who normally works for fewer than thirty hours per week; provided, however, that any head of household who has dependent children living at home and is working at least twenty hours per week or any employee having worked at least five hundred and twenty hours in the prior six months shall be considered to be an employee for the purposes of this section; (iii) any employee who is hired to perform a service for a period of less than five months; (iv) any seasonal agricultural employee, who for the purposes of this section shall be defined as an individual who is employed in agricultural employment of a seasonal or other temporary nature; and (v) any employee who is covered by a group or nongroup health benefit plan which is financed without any participation by the employer, who is enrolled in the medicare program, or who is covered by a government operated medical assistance program; and provided, further, that any employee covered by a health insurance plan established pursuant to section nine of chapter one hundred and

eighteen F shall be considered to be an employee for the purposes of this section. Each employee as defined in section one shall be presumed to be an employee as included in this section unless the employer certifies to the director, in such form and manner as the director may require, that such employee should not be included under the provisions of this section. Each employer may require any employee to verify his health insurance status pursuant to such rules and regulations as the director shall promulgate. No employer may require an applicant for employment to disclose his health insurance status or that of his spouse, dependents, or other family members. In no case may an employer discriminate against such applicant on the basis of said applicant's health insurance status. Any person aggrieved by a violation of the preceding two sentences may institute within three years of such violation a civil action for injunctive relief and any damages thereby incurred. Any employer found to be in violation pursuant to the action of the aggrieved person shall reimburse such reasonable attorney fees and court costs incurred in the protection of rights granted as shall be determined by the court.

(c) An employer may deduct from the amount owed for each employee under subsection (b) its average expenses per employee for providing health insurance coverage or other health care benefits for its employees, allowable for the current quarter by the Internal Revenue Service as a deductible business expense; provided, however, that any nonincorporated employer may deduct from the amount owed for each employee under subsection (b) its average expenses per employee for providing health insurance coverage or other health care benefits for its employees as reported and allowed pursuant to rules and regulations promulgated by the director; and provided, further, that such deduction for any employer shall not reduce the contribution for any employee below zero.

(d) Such unemployment health insurance contribution and such medical security contribution shall be paid to the director in accordance with the procedures prescribed by the director. The receipts from such contributions shall not be deposited in the state unemployment compensation fund, but shall be impressed with a trust and dedicated, through the state treasurer as trustee, to the medical security trust fund established in chapter one hundred and eighteen F. Prior to the depositing of the receipts, the director may deduct all administrative costs incurred as a result of this section, including an amount as determined by the United States secretary of labor in accordance with federal cost rules, but in no calendar year may such deduction exceed five per cent of the amounts collected pursuant to this section.

(e)(1) For the purposes of this section, the term "wages" shall not include that part of remuneration which, after remuneration equal to the medical security wage base with respect to employment with such employer has been paid to an individual during the calendar year, is paid to such individual during such year. For the purposes of this paragraph, remuneration shall include remuneration paid to an individual during the calendar year with respect to employment with a transferring employer, as that term is used in subsection (n) of section fourteen.

(2) For the purposes of this section, the term "medical security wage base" shall mean fourteen thousand dollars for the calendar years nineteen hundred and ninety to nineteen hundred and ninety-two, inclusive. For each subsequent calendar year the medical security wage base shall equal the product of (i) the medical security wage base for the then previous calendar year and (ii) the sum of one and the health insurance inflation rate for the then previous calendar year, as reported by the rate review board established pursuant to subsection (h).

(f)(1) The provisions of this section shall not apply to an employer newly subject to this chapter, as defined in paragraph (3) of subsection (i) of section fourteen, until it has been an employer for not less than the twelve consecutive months' period specified in paragraph (1) of subsection (b) of section fourteen.

(2) During the first calendar year in which this section applies to an employer newly subject to this chapter pursuant to paragraph (1): (i) such employer's unemployment health insurance contribution shall be computed by substituting in subsection (a) the words "four hundredths of one per cent" for the words "twelve hundredths of one per cent", and (ii) such employer's medical security contribution shall be computed by substituting in subsection (b) the words "four per cent" for the words "twelve per cent".

(3) During the second calendar year in which this section applies to an employer newly subject to this chapter pursuant to paragraph (1): (i) such employer's unemployment health insurance contribution shall be computed by substituting in subsection (a) the words "eight hundredths of one per cent" for the words "twelve hundredths of one per cent", and (ii) such employer's medical security contribution shall be computed by substituting in subsection (b) the words "eight per cent" for the words "twelve per cent".

(g) Except where inconsistent with the provisions of this section, the terms and conditions of this chapter which are applicable to the payment of and the collection of contributions or payments in lieu of contributions shall apply to the same extent to the payment of and the collection of such unemployment health insurance contribution and such medical security contribution; provided, however, that said contributions shall not be credited to the employer's account or the solvency account established pursuant to section fourteen, fourteen A, or fourteen C of this chapter.

(h) There shall be a rate review board composed of the secretary for administration and finance or his designee, the secretary of human services or his designee, and the secretary of economic affairs or his designee. Said board shall determine the rate of health insurance inflation for the previous year to be applied to the medical security wage base for the subsequent calendar year and shall certify said rate to the director on or before November thirtieth of the year preceding the year to which the medical security wage base is to be applied. This inflation rate shall be the average percentage increase in premiums for accident and sickness insurance policies issued in the commonwealth during the then current calendar year over premiums for accident and sickness insurance policies issued in the commonwealth during the then previous

calendar year.

On or before November thirtieth of each year, the commissioner of the department of medical security shall certify to said board the estimated costs for the subsequent year of health insurance coverage provided by said department of medical security for individuals and their families who (1) are eligible for the health insurance program established by section nine of chapter one hundred and eighteen F for individuals receiving unemployment insurance compensation or (2) are eligible for the health insurance program established by said section nine of said chapter one hundred and eighteen F for employees. Such estimated costs shall be exclusive of amounts to be covered by premiums, co-payments, deductibles and co-insurance to be paid by covered individuals and any anticipated appropriations. The rate review board shall further adjust such estimated costs to reflect prudent levels of reserves sufficient to carry out the responsibilities of the department for said health insurance programs. If in the opinion of the said board the rate of health inflation on the medical security wage base as calculated above would be inadequate to properly fund said health insurance programs, said rate of health insurance inflation shall be appropriately adjusted.

(i) Any employer who fails to comply with the provisions of this section shall pay a penalty of not less than thirty-five dollars or five dollars for each employee, whichever is greater, for every day during which the failure continues, in addition to restitution for any amounts owed to the medical security trust fund as a result of such failure to make a correct contribution.

Any penalties collected pursuant to this section shall be deposited in the heath insurance hardship trust fund established by chapter one hundred and eighteen F.

Any employer, in accordance with rules and regulations promulgated by the director, who relies in good faith on statements by employees relative to their health insurance status shall not be liable for any penalty or restitution for failure to comply with the provisions of this section caused by misstatements of such employees.

Any contribution under this section shall be allowable as a business expense.

(j) Any employer notified of a determination of the director that it is subject to the provisions of subsection (a) or subsection (b), or notified of a determination of the director that an individual is an employee for the purposes of subsection (b) and subsection (c), may request a hearing on such determination. The request for hearing shall be filed within ten days after mailing of the notice of the determination. If a hearing is requested, the director shall give the employer a reasonable opportunity for a fair hearing before an impartial hearing officer designated by the director. The conduct of such hearing shall be in accordance with the procedures prescribed by subsection (b) of section thirty-nine. Any employer aggrieved by the decision following such hearing may appeal such decision. Such appeal shall be in accordance with the procedures prescribed by sections forty to forty-two, inclusive. Unless action is taken under section forty, the decision of the director shall be final on all questions of fact and law.

SECTION 47. The definition of "facility" in section 71A of said chapter 151A, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "business", in line 31, the word:- hospital.

SECTION 48. Section 47C of said chapter 175, as so appearing, is hereby amended by adding the following paragraph:-

Any policy of insurance or any employers' health and welfare fund, as described in this section, shall provide in addition to the coverage described in the preceding paragraph benefits for expense of residents of the commonwealth covered under such policy or fund, for the provision of preventive and primary care services for children. For the purposes of this paragraph preventive care services shall mean services rendered to a dependent child of an insured from the date of birth through the attainment of six years of age and shall include physical examination, history, measurements, sensory screening, neuropsychiatric evaluation and development screening, and assessment at the following intervals: six times during the child's first year after birth, three times during the next year, annually until age six. Such services shall also include hereditary and metabolic screening at birth, appropriate immunizations, and tuberculin tests, hematrocrit, hemoglobin or other appropriate blood tests, and urinalysis as recommended by the physician.

SECTION 49. Section 110 I of said chapter 175, as so appearing, is hereby amended by adding the following two subsections:-

(d) Notice of cancellation of coverage of the divorced or separated spouse of a member shall be mailed to such divorced or separated spouse at such person's last known address, together with notice of the right to reinstate coverage retroactively to the date of cancellation.

(e) Claims paid on behalf of a divorced or separated spouse or on behalf of a dependent who is not residing with the member shall be paid to the physician, hospital or other provider of covered services or to the person on whose behalf such services were performed, unless the person is a minor child. In the event the person on whose behalf such services were performed is a minor, payment shall be made to the physician, hospital or other provider of such services or to the parent or custodian with whom the child resides.

SECTION 50. Section 5 of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out the sixth to ninth paragraphs, inclusive, and inserting in place thereof the following four paragraphs:-

In negotiating a contract with a nonprofit hospital service corporation, a hospital shall have the right to designate the Massachusetts hospital association, incorporated, or any other state-wide, hospital member organization as its agent for negotiating such contract. Each individual hospital, however, shall retain the right to accept or reject all or part of such negotiated contract.

When any such corporation is informed that such a negotiating agent represents one or more hospitals, such corporation shall have the right to

propose to the agent, and thereafter negotiate, a hospital contract that would be applicable to some or all of the hospitals represented by the agent.

Such a negotiating agent that represents more than one hospital shall have the right to propose to said corporations, and thereafter negotiate, a hospital contract which would be applicable to some or all of the hospitals represented by it.

The commission shall not disapprove any contract between a hospital and said corporations on the grounds that a term or terms of the contract are similar or identical to the terms of a proposed or approved contract between any other hospital and such corporations, or that the hospital was represented by a negotiating agent which represented one or more other hospitals.

SECTION 51. Said section 5 of said chapter 176A, as so appearing, is hereby further amended by inserting after the word "record", in line 169, the words:- appeal such an order, filing, decision or other action with the division of administrative law appeals as established by section four H of chapter seven if (1) the appeal is by an acute-care hospital and (2) the total amount subject to appeal is less than one hundred thousand dollars, or.

SECTION 52. Section 8B of said chapter 176A, as so appearing, is hereby amended by adding the following paragraph:-

Any contract, as described in this section, shall provide as benefits to all subscribers and members in addition to the benefits described in the preceding paragraph the provision of preventive and primary care services for children. For the purposes of this paragraph preventive and primary care services shall mean services rendered to a dependent child or a subscriber or member from the date of birth through the attainment of six years of age and shall include physical examination, history, measurements, sensory screening, neuropsychiatric evaluation and development screening, and assessment at the following intervals: six times during the child's first year after birth, three times during the year annually until age six. Such services shall also include hereditary and metabolic screening at birth, appropriate immunizations, and tuberculin tests, hematocrit, hemoglobin or other appropriate blood test and urinalysis as recommended by the physician.

SECTION 53. Section 8F of said chapter 176A, as so appearing, is hereby amended by adding the following two paragraphs:-

(d) Notice of cancellation of coverage of the divorced or separated spouse of a member shall be mailed to such divorced or separated spouse at such person's last known address, together with notice of the right to reinstate coverage retroactively to the date of cancellation.

(e) Claims paid on behalf of a divorced or separated spouse or on behalf of a dependent who is not residing with the member shall be paid to the physician, hospital or other provider of covered services or to the person on whose behalf such services were performed, unless the person is a minor child. In the event the person on whose behalf such

services were performed is a minor, payment shall be made to the physician, hospital or other provider of such services or to the parent or custodian with whom the child resides.

SECTION 54. Said chapter 176A is hereby further amended by inserting after section 10 the following section:-

Section 10A. Other provisions of this chapter and chapter one hundred and seventy-six G notwithstanding, any nonprofit hospital service corporation, either individually or by contract with a corporation formed under chapter one hundred and seventy-six B, one or more hospitals licensed under chapter one hundred and eleven, one or more health maintenance organizations under chapter one hundred and seventy-six G, physicians registered under chapter one hundred and twelve and other providers of health care licensed or registered pursuant to chapter one hundred and eleven or one hundred and twelve or one or more insurance companies licensed under chapter one hundred and seventy-five, may establish, maintain, operate, own or offer preferred provider arrangements which have been approved by the commissioner under chapter one hundred and seventy-six I.

Provided that contracts governing payment for services rendered to patients covered, by a selective product may not be tied to contracts governing payment for services rendered to other patients.

The entire arrangement or contract between a medical service corporation and a hospital service corporation which involves the operation by one of those entities of a preferred provider program shall be subject to all of the requirements of chapter one hundred and seventy-six I.

SECTION 55. Section 1 of chapter 176B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "Medical service corporation" the following definition:-

"Nonparticipating provider", a registered physician under the provisions of chapter one hundred and twelve or other provider of health care services licensed under the laws of the commonwealth who is not party to an agreement in writing with a medical service corporation to perform medical services for subscribers and covered dependents who are covered under a preferred provider arrangement approved by the commissioner under chapter one hundred and seventy-six I.

SECTION 56. Said section 1 of said chapter 176B, as so appearing, is hereby further amended by striking out the definition of "Nonprofit medical service plan" and inserting in place thereof the following definition:-

"Nonprofit medical service plan", a plan operated by a medical service corporation under the provisions of this chapter, whereby the cost of medical and chiropractic services and other health services furnished to subscribers and covered dependents is paid by the corporation, to participating physicians, to participating chiropractors, to non-participating providers if the subscriber is covered by a Preferred

Provider Organization, and to such other physicians as are provided for herein, and to providers of other health services.

SECTION 57. Section 3 of said chapter 176B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The by-laws of a medical service corporation may contain any lawful provisions approved by the commissioner, and shall provide that a majority of the incorporators or members of the corporation and a majority of the directors shall at all times be persons who are not providers of health services licensed under the laws of the commonwealth and that a majority of the directors shall at all times be persons who are or agree to become subscribers to the nonprofit medical service plan. The by-laws of such a corporation may define the qualifications of those persons eligible to become subscribers as provided in section five. Any such corporation may adopt such rules and regulations as may be consistent with the provisions of this chapter. Such rules and regulations and any changes or amendments thereto shall be filed with the commissioner thirty days before their effective dates and shall be subject to subsequent disapproval by the commissioner.

SECTION 58. Said section 3 of said chapter 176B, as so appearing, is hereby further amended by adding the following three paragraphs:-

Other provisions of this chapter and chapter one hundred and seventy-six G notwithstanding, any medical service corporation, either individually or by contract with a corporation formed under chapter one hundred and seventy-six A, one or more hospitals licensed under chapter one hundred and eleven, one or more health maintenance organizations under chapter one hundred and seventy-six G, physicians registered under chapter one hundred and twelve and other providers of health care licensed or registered pursuant to chapter one hundred and eleven and chapter one hundred and twelve or one or more insurance companies licensed under chapter one hundred and seventy-five, may establish, maintain, operate, own or offer plans, programs or arrangements which have been approved by the commissioner under said chapter one hundred and seventy-six I.

A medical service corporation shall not condition its willingness to allow any physician or other provider of health services to participate in a preferred provider arrangement on such physician's or provider's agreeing to enter into other contracts or arrangements with the medical service corporation or any other persons that are not part of or related to such preferred provider arrangement.

The terms and conditions offered by a medical service corporation that must be met or agreed to by physicians and other providers of health services desiring to enter into a preferred provider arrangement or plan shall be fair and reasonable. No physician or other provider of health services willing to meet the reasonable terms and conditions proposed or offered in connection with such preferred arrangements shall be denied the opportunity to enter into an agreement with such medical service corporation. The terms and conditions offered by a medical

service corporation that must be met or agreed to by physicians and other providers of health services desiring to enter into such agreements shall be subject to the disapproval of the commissioner.

SECTION 59. Section 4 of said chapter 176B, as amended by section 4 of chapter 621 of the acts of 1987, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any medical service corporation may enter into contracts with its subscribers, and with participating physicians, chiropractors, nurse midwives, optometrists, dentists, podiatrists, psychologists, licensed independent clinical social workers, certified clinical specialist in psychiatric and mental health nursing and other providers of health services licensed under the laws of the commonwealth for such medical, chiropractic, visual, surgical, midwifery, mental health and other health services as may lawfully be rendered by them to subscribers and their dependents and shall make payment for such services either, or directly to participating providers or to nonparticipating providers if the subscriber is covered by a Preferred Provider Organization, as provided for in this chapter. The form of any and all agreements with such participating physicians, chiropractors, nurse midwives, optometrists, dentists, podiatrists, psychologists, licensed independent clinical social workers, certified clinical specialist in psychiatric and mental health nursing and other providers of health services shall at all times be subject to the written approval of the commissioner, but no participating provider shall be denied the right to enter into any agreement with any medical service corporation by reason of any unfair or arbitrary discrimination. The methods of compensating such physicians, chiropractors, nurse midwives, optometrists, dentists, podiatrists, psychologists, licensed independent clinical social workers, certified clinical specialist in psychiatric and mental health nursing and other providers of health services for their services to subscribers, or covered dependents shall at all times be subject to the written approval of the commissioner.

SECTION 60. Section 4C of said chapter 176B, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Any subscriptions certificate, as described in this section, shall provide as benefits to all subscribers and members in addition to those benefits described in the preceding paragraph the provisions of preventive and primary care services for children. For the purposes of this paragraph preventive and primary care services shall mean services rendered to a dependent child or a subscriber or member from the date of birth through the attainment of six years of age and shall include physical examination, history, measurements, sensory screening, neuropsychiatric evaluation and development screening, and assessment at the following intervals: six times during the child's first year after birth, three times during the year annually until age six. Such services shall also include hereditary and metabolic screening at birth,

appropriate immunizations, and tuberculin tests, hematocrit, hemoglobin or other appropriate blood tests and urinalysis as recommended by the physician.

SECTION 61. Section 6B of said chapter 176B, as so appearing, is hereby amended by adding the following two paragraphs:-

(d) Notice of cancellation of coverage of the divorced or separated spouse of a member shall be mailed to such divorced or separated spouse at such person's last known address, together with notice of the right to reinstate coverage retroactively to the date of cancellation.

(e) Claims paid on behalf of a divorced or separated spouse or on behalf of a dependent who is not residing with the member shall be paid to the physician, hospital or other provider of covered services or to the person on whose behalf such services were performed, unless the person is a minor child. In the event the person on whose behalf such services were performed is a minor, payment shall be made to the physician, hospital or other provider of such services or to the parent or custodian with whom the child resides.

SECTION 62. Section 7 of said chapter 176B, as so appearing, is hereby amended by inserting after the first paragraph the following four paragraphs:-

No such agreement may be terminated by a medical service corporation unless such corporation shall first have given the participating physician or other provider of health services a written statement of the charges against him or her, an opportunity for hearing, reasonable notice of the time and place of hearing, and a written decision accompanied by a statement of the reasons for the decision. A participating physician or other provider of health services shall also have (a) the right, within sixty days after receipt by a medical service corporation from a provider of a completed claim form for covered services, to receive (i) payment, (ii) notice of the reasons for any nonpayment or (iii) notice of additional information or documentation necessary to establish entitlement to payment; (b) the right, upon request following denial of entitlement to payment for covered service because such services were determined by a medical service corporation to be unnecessary for the medical or other health care of a subscriber or covered dependent to a formal peer review process; (c) the right to inspect a listing of his or her usual charges maintained by a medical service corporation; (d) the right to inspect a listing of customary charges maintained by a medical service corporation which are applicable to his or her services; and (e) the right to a copy of the bylaws of a medical service corporation and rules and regulations adopted by the board of directors of such a corporation.

A participating physician or other professional provider of health services may terminate his or her agreement with a medical service corporation at any time upon giving not less than one year notice in writing to the medical service corporation and each of his patients to terminate as of a date specified in such notice; provided however, that any physician or provider giving such notice shall not terminate any

physician-patient relationship after the one-year notice period with any subscriber or covered dependent unless and until arrangements have been made for appropriate referrals, continuation, and follow-up care. Until such time as a patient or subscriber has been referred to and has established a physician-patient relationship with another participating physician, the medical services corporation shall continue to provide compensation to the terminating physician or provider at the rate allowed for such services prior to termination and said terminating physician or provider shall not be allowed to charge the patient any additional amount for such services.

Nothing in this section shall limit or derogate from the rights of beneficiaries of health insurance under Title XVIII of the federal Social Security Act to the benefits of chapter four hundred and seventy-five of the acts of nineteen hundred and eighty-five.

Every participating provider shall receive from a medical service corporation not less than annually a handbook, written in plain English and subject to the commissioner's approval, that explains said corporation's methods of payment, including but not limited to, all requirements for the submission of charges, all restrictions on payments, an explanation of the usual and customary charge system and methods of updating a provider's charge profile. Said handbook shall be made available to participating providers at least six months prior to any annual update of charge profiles.

SECTION 63. The first paragraph of section 12 of said chapter 176B, as so appearing, is hereby amended by adding the following sentence:- If the board fails to resolve a dispute or controversy not involving a medical service corporation's methods of compensating such participating physician or provider within one year, any such participating physician or other participating provider of health services and any such subscriber or person may commence an action against such medical service corporation with respect to such dispute or controversy by filing a complaint in the superior court for the county in which he resides, which action may be maintained as a class action, subject to the provisions of rule twenty-three of the Massachusetts rules of civil procedure and shall be assigned by the court for a speedy completion of the pleadings, pretrial discovery, and hearing on the merits.

SECTION 64. Section 5A of chapter 176G of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:-

(d) Notice of cancellation of coverage of the divorced or separated spouse of a member shall be mailed to such divorced or separated spouse at such person's last known address, together with notice of the right to reinstate coverage retroactively to the date of cancellation.

(e) Claims paid on behalf of a divorced or separated spouse or on behalf of a dependent who is not residing with the member shall be paid to the physician, hospital or other provider of covered services or to the person on whose behalf such services were performed, unless the person is a minor child. In the event the person on whose behalf such services were performed is a minor, payment shall be made to the physician,

hospital or other provider of such services or to the parent or custodian with whom the child resides.

SECTION 65. The General Laws are hereby further amended by inserting after chapter 176H the following chapter:-

CHAPTER 176I.

PREFERRED PROVIDER ARRANGEMENTS.

Section 1. The following words as used in this chapter shall have the meanings given to them in this section unless the context clearly requires otherwise:

"Commissioner", the commissioner of insurance.

"Covered person", any policy holder or other person on whose behalf the organization is obligated to pay for or provide health care services.

"Covered services", health care services which the organization is obligated to pay for or provide under the health benefit plan.

"Emergency care", covered services delivered to a covered person who has suffered an accidental bodily injury or illness which reasonably requires the beneficiary or insured to seek immediate medical care.

"Health benefit plan", the health insurance policy, subscriber agreement, or contract between the covered person and an organization which defines the covered services and benefit levels available.

"Health care provider", a provider of health care services licensed or registered pursuant to chapter one hundred and eleven or chapter one hundred and twelve.

"Health care services", services rendered or products sold by a health care provider within the scope of the provider's license. The term includes, but is not limited to, hospital, medical, surgical, dental, vision, and pharmaceutical services or products.

"Organization", an insurer authorized to write accident and health insurance under chapter one hundred and seventy-five, a nonprofit hospital service corporation authorized under chapter one hundred and seventy-six A, a nonprofit medical service corporation authorized under chapter one hundred and seventy-six B, a dental service corporation authorized under chapter one hundred and seventy-six E, an optometric service corporation authorized under chapter one hundred and seventy-six F, a health maintenance organization authorized under chapter one hundred and seventy-six G, or any other entity approved by the commissioner under this chapter.

"Preferred provider", a health care provider or group of health care providers who have contracted to provide specified covered services.

"Preferred provider arrangement", a contract between or on behalf of an organization and a preferred provider which complies with all the requirements of this chapter.

Section 2. An organization may enter into a preferred provider arrangement with one or more health care providers upon a determination by the commissioner that the organization and the arrangement comply with the requirements of this chapter and the

regulations hereunder. An organization shall not condition its willingness to allow any health care provider to participate in a preferred provider arrangement on such health care provider's agreeing to enter into other contracts or arrangements with the organization that are not part of or related to such preferred provider arrangements.

An organization shall submit information concerning any proposed preferred provider arrangements to the commissioner for approval in accordance with regulations promulgated by the commissioner. Said regulations shall comply with the applicable provisions of chapter thirty A of the General Laws. Said information shall include at least the following: (a) a description of the health services and any other benefits to which the covered person is entitled; (b) a description of the locations where and the manner in which health services and other benefits may be obtained; (c) a copy of the evidence of coverage; (d) copies of any contracts with preferred providers; (e) a description of the rating methodology and rates. The arrangement shall meet the following standards:

(a) Standards for maintaining quality health care, including satisfying any quality assurance regulations promulgated by any state agency;

(b) Standards for controlling health care costs;

(c) Standards for assuring reasonable levels of access of health care services and an adequate number and geographical distribution of preferred providers to render those services;

(d) Standards for assuring appropriate utilization of health care service; and

(e) Other standards deemed appropriate by the commissioner.

Section 3. Organizations may offer health benefit plans which provide for incentives for covered persons to use the health care services of preferred providers. Such health benefit policies orplans shall meet at least the following minimum requirements:

(a) Benefit levels for health care services rendered by nonpreferred providers shall be at least eighty per cent of the benefit levels for services rendered by preferred providers.

(b) If a covered person receives emergency care and cannot reasonably reach a preferred provider, payment for care related to the emergency shall be made at the same level and in the same manner as if the covered person had been treated by a preferred provider;

(c) A procedure shall be specified for resolving consumer complaints and grievances; and

(d) A procedure shall be specified for the disclosure to covered persons of the names of current preferred providers by specialty and geographic area.

Section 4. An organization shall not refuse to enter into a preferred provider arrangement with a health care provider on the basis of religion, race, color, national origin, age, sex, marital status, sexual orientation, or such provider's relationships with any other organization. The selection of preferred providers shall be based primarily on cost, availability and quality of covered services. The terms and conditions offered by an organization that must be met or agreed to by physicians and other professional providers of health care

services desiring to enter into a preferred provider arrangement shall be subject to the disapproval of the commissioner if said terms and conditions are not consistent with the purposes, policies and provisions of this chapter.

Section 5. An organization shall maintain financial and utilization records for its preferred provider arrangements and activities in a form separate or separable from the financial and utilization records of other operations and activities carried on by the organization.

Section 6. An organization shall furnish to the commissioner evidence of a surety bond, reinsurance or other financial resources in an amount satisfactory to the commissioner as a guarantee that obligations to covered persons will be performed.

Section 7. An organization which enters into a preferred provider arrangement shall file annually with the commissioner, within one hundred and twenty days of the close of its fiscal year, a report covering its prior fiscal year. The report shall include:

(a) the number of covered persons under health benefit plans which include preferred provider arrangements;

(b) financial and utilization date of health benefit plans which include preferred provider arrangements;

(c) a list of preferred providers; and

(d) such other information as the commissioner may reasonably require.

Section 8. In addition to other powers specified in this chapter, the commissioner may, after due hearing:

(a) promulgate appropriate rules and regulations necessary to the administration and enforcement of this chapter;

(b) issue an order requiring any person or organization to cease and desist from violating any provision of this chapter or any rules, regulations, or order hereunder;

(c) require any person or organization found to have violated any provision of this chapter or any rule, regulation or order hereunder to forfeit an amount not to exceed ten thousand dollars for any single violation; and

(d) institute a rehabilitation or liquidation proceeding in accordance with the provisions of section one hundred and eighty A through one hundred and eighty L of chapter one hundred and seventy-five.

Section 9. An organization which offers or administers a health benefit plan under a preferred provider arrangement shall be subject to all of the provisions of its enabling or licensing statute and of any other provisions of the general laws applicable thereto, including but not limited to any benefits required to be provided by law. In connection with any preferred provider arrangement and activities, an organization shall be considered to be an insurance company for the purposes of sections one hundred and ninety-three C, one hundred and ninety-three D, one hundred and ninety-three L, one hundred and ninety-three M and one hundred and ninety-three N of chapter one hundred and seventy-five.

Section 10. Any organization which has entered into preferred provider arrangements prior to the effective date of this chapter shall file an application within ninety days of the effective date of this

chapter, and may continue to operate until such time as its application may be denied.

Section 11. (a) Every organization operating a preferred provider arrangement shall annually pay an assessment equal to two and twenty-eight hundredths per cent of the gross premiums received during the preceding calendar year for coverage of covered persons residing in this commonwealth; provided, however, that no assessment shall be imposed on premiums for medicare supplemental coverage. In calculating said gross premiums, there shall be deducted any amounts eligible for deduction pursuant to section twenty-four of chapter sixty-three and any amounts that are subject to the assessment imposed by section one hundred and ten L of chapter one hundred and seventy-five or by section ten A of chapter one hundred and seventy-six G. All said assessments, including interest thereon or penalties, shall be deposited in the general fund.

(b) The assessment imposed by this section shall be collected and administered by the commissioner of revenue. Every organization operating a preferred provider arrangement shall annually, on or before March fifteenth, make a return to said commissioner giving such information as said commissioner may deem necessary for the determination of the assessment for the preceding calendar year. The payment and collection of the assessments imposed by this section shall, to the extent consistent with this section, be governed by the provisions of chapters sixty-two C and sixty-three B. This provision shall take effect for premiums received after December thirty-first, nineteen hundred and eighty-eight.

SECTION 66. Section 28 of chapter 208 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following two sentences:- When the court makes an order for maintenance or support of a child, said court shall determine whether the obligor under such order has health insurance or other health coverage on a group plan available to him through an employer or organization or has health insurance or other health coverage available to him at a reasonable cost that may be extended to cover the child for whom support is ordered. When said court has determined that the obligor has such insurance or coverage available to him, said court shall include in the support order a requirement that the obligor exercise the option of additional coverage in favor of the child or obtain coverage for the child.

SECTION 67. Section 34 of said chapter 208, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following three sentences:- When the court makes an order for alimony on behalf of a spouse, said court shall determine whether the obligor under such order has health insurance or other health coverage available to him through an employer or organization or has health insurance or other health coverage available to him at reasonable cost that may be extended to cover the spouse for

whom support is ordered. When said court has determined that the obligor has such insurance or coverage available to him, said court shall include in the support order a requirement that the obligor do one of the following: exercise the option of additional coverage in favor of the spouse, obtain coverage for the spouse, or reimburse the spouse for the cost of health insurance. In no event shall the order for alimony be reduced as a result of the obligor's cost for health insurance coverage for the spouse.

SECTION 68. The third paragraph of section 32 of chapter 209 of the General Laws, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following two sentences:- When the court makes an order for maintenance or support on behalf of a spouse or child, said court shall determine whether the obligor under such order has health insurance or other health coverage available to him through an employer or organization or has health insurance or other health coverage available to him at reasonable cost that may be extended to cover the spouse or child for whom support is ordered. When said court has determined that the obligor has such insurance or coverage available to him, said court shall include in the support ordera requirement that the obligor exercise the option of additional coverage in favor of the spouse and child or obtain coverage for the spouse and child.

SECTION 69. Subsection (a) of section 9 of chapter 209C of the General Laws, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following two sentences:- When the court makes an order or judgment for maintenance or support of a child, said court shall determine whether the obligor under such order or judgment has health insurance or other health coverage available to him through an employer or organization or has health insurance or other health coverage available to him at reasonable cost that may be extended to cover the child for whom support is ordered. When said court has determined that the obligor has such insurance or coverage available to him, said court shall include in the support judgment or order a requirement that the obligor exercise the option of additional coverage in favor of the child or obtain coverage for the child.

SECTION 70. Section 18A of chapter 273 of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) When the court reviews or modifies an order for support on behalf of a spouse or child, said court shall determine whether the obligor under such order has health insurance or other health coverage available to him through an employer or organization or has health insurance or other health coverage available to him at reasonable cost that may be extended to cover the spouse or child for whom support is ordered. When said court has determined that the obligor has such insurance or coverage available to him, said court shall include in the support order a

requirement that the obligor exercise the option of additional coverage in favor of the spouse and child or obtain coverage for the spouse and child.

SECTION 71. Section 10 of chapter 273A of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

When the court makes an order for support on behalf of a spouse or child, said court shall determine whether the obligor under such order has health insurance or other health coverage available to him through an employer or organization or has health insurance or other health coverage available to him at reasonable cost that may be extended to cover the spouse or child for whom support is ordered. When said court has determined that the obligor has such insurance or coverage available to him, said court shall include in the support order a requirement that the obligor exercise the option of additional coverage in favor of the spouse and child or obtain coverage for the spouse and child.

SECTION 72. All acute hospitals shall be offered a successor agreement to hospital agreement thirty by a nonprofit hospital service corporation which shall implement and serve to administer the reimbursement elements included in sections seventy-nine to one hundred and two of chapter six A of the General Laws, inserted by this act. This agreement shall have a term of four years. If such nonprofit hospital service corporation cancels the reimbursement sections of this agreement, such corporation shall pay the hospital charges for covered services as such charges are calculated pursuant to sections seventy-nine to ninety-eight, inclusive, of said chapter six A but without application of section eighty-eight of said chapter six A. In the event that an acute hospital chooses not to enter into the reimbursement section of the hospital agreement then the approved gross patient service revenues for such hospital shall be the amount of such revenues in effect for the last fiscal year of hospital agreement thirty. The reimbursement section of the agreement may be supplemented by amendments consistent with said sections of said chapter six A where such amendments are the result of negotiations between a hospital service corporation and individual hospitals or the Massachusetts Hospital Association as provided for in section five of chapter one hundred and seventy-six A. For each acute hospital, the rate-setting commission shall not approve a successor hospital agreement to hospital agreement thirty unless it includes the reimbursement elements in said sections seventy-nine to one hundred and two, inclusive, of said chapter six A, plus the contents of this section. The successor agreement shall be presented by a nonprofit hospital service corporation to the commission for approval within sixty days after the effective date of this section, and for hospitals with a fiscal year beginning on or about October first, nineteen hundred and eighty-seven, shall be retroactive to October first, nineteen hundred and eighty-seven.

Upon final passage of this legislation, the rate setting commission shall promulgate emergency regulations which shall allow hospitals to

effect charge levels on an estimated interim level for the lesser of ninety days or until the successor agreement to hospital agreement thirty is approved by the commission.

The successor agreement to hospital agreement thirty shall include a yearly settlement provision for the difference between the effective and actual differential of a nonprofit hospital service corporation pursuant to the methodology for said settlement contained in hospital agreement thirty.

SECTION 73. The joint committee on administration established under hospital agreement twenty-seven, and continued in hospital agreements twenty-nine and thirty, shall be continued.

Said committee shall report to the rate-setting commission by July first, nineteen hundred and eighty-eight, recommendations for the following matters:

(a) development of diagnosis related group cost weights for diagnosis related groups without weights;

(b) development of a new volume statistic for surgical day care recognizing surgical day care intensity levels; and

(c) establishing criteria for ensuring that each year's data is consistent with the agreed upon version of the diagnosis related groups.

SECTION 74. The auditor of the commonwealth shall conduct a study and examination of nongroup and medicare supplementary health care programs offered by nonprofit hospital and medical service corporations organized under chapters one hundred and seventy-six A and one hundred and seventy-six B of the General Laws, by health maintenance organizations operating under chapter one hundred and seventy-six G of the General Laws, by health insurance companies operating under chapter one hundred and seventy-five of the General Laws, by preferred provider organizations, so-called, by self-insured employee welfare benefit plans, by third-party administrators, and by health claims administration programs.

Said auditor shall study the need for, the availability of, the financing for, and supportive governmental incentives available for nongroup and medicare supplementary health care programs in the commonwealth.

Said auditor shall conduct an audit of nongroup and medicare supplementary health care programs offered by nonprofit hospital and medical service corporations. Such audit shall determine and examine the losses from nineteen hundred and seventy-seven through nineteen hundred and eighty-seven attributable to such programs and the financial impact of the statutory responsibilities and benefits conferred on such nonprofit hospital and medical corporations.

Said auditor may be assisted by the secretary of consumer affairs and business regulation and the commissioner of insurance in the performance of his duties under this section. All nonprofit hospital and medical service corporations, health maintenance organizations, health insurance companies, preferred provider organizations, so-called, self-insured employee welfare benefit plans, third-party administrators, and health claims administration programs referred to in the first

paragraph shall cooperate with and make all information available to said auditor or his designee in the performance of his study and examination. Any organization voluntarily providing trade secret or commercial or financial information to said auditor may request that such information be maintained as confidential information by said auditor. Information so provided which is accepted by the state auditor as confidential shall not be public records for purposes of clause twenty-sixth of section seven of chapter four and chapter six of the General Laws.

Said auditor may consult, as necessary, with state agencies and elected officials, health care providers, consumer representatives, and other parties in the course of his study and examination.

Said auditor shall make an interim report on the results of his study and examination and audit to the governor, the house and senate committees on ways and means, the joint committee on insurance, the joint health care committee, and the special commission on health insurance reform created pursuant to section thirty-six of this act on or before July first, nineteen hundred and eighty-eight and shall submit his final audit report not later than October first, nineteen hundred and eighty-eight. All nonprofit hospital and medical service corporations, health maintenance organizations, health insurance companies, preferred provider organizations, so-called, self-insured employee welfare benefit plans, third-party administrators, and health claims administration programs shall have an opportunity to review and comment on the interim and final reports thirty days prior to their submission to the governor and said committees of the general court. These comments shall be incorporated in the reports as filed.

For the purposes of funding such study and examination, said auditor is hereby authorized to assess a sum not to exceed one hundred thousand dollars in the aggregate against all nonprofit hospital and medical service corporations, health maintenance organizations, and health insurance companies in proportion to the gross revenue obtained by each organization in providing health care programs in the commonwealth.

SECTION 75. There is hereby established a special commission on health insurance reform which shall consist of a representative of a nonprofit hospital and medical service corporation, a representative of the Life Insurance Association of Massachusetts, a representative of the office of the attorney general, a representative of health care consumer groups to be appointed by the governor, a representative of health maintenance organizations to be appointed by the governor, and a chairman to be appointed by the governor. Said commission shall be appointed within thirty days of the effective date of this section and shall be charged with examining and determining what alternatives, if any, exist to provide citizens of the commonwealth with an improved health care delivery and health insurance system, by improving the competitive environment in the health insurance system, and the affordability and availability of actuarially sound nongroup and medicare supplementary health insurance coverage. Said commission shall consult with health care consumer groups regarding such study and examination

before undertaking it. Said commission shall also study the implications of the provisions of this act relative to preferred provider arrangements and relative to the relationship between non-participating providers and hospital and medical service corporations; said study shall be completed prior to the effective date of such provisions. Before making recommendations to the governor, said commission shall consult with health care consumer groups regarding its recommendations and shall give such groups an opportunity to respond at a public hearing and in writing. Any written responses shall be incorporated in the commission's final report.

The commission shall make its recommendations to the governor and the general court on or before October first, nineteen hundred and eighty-eight and shall issue a final report on or before November fifteenth, nineteen hundred and eighty-eight. The report of the commission shall include recommendations concerning maintenance of the current status by nonprofit hospital and medical service corporations, alternative methods to fulfill to the insurer of last resort responsibilities of the nonprofit hospital and medical service corporations, if needed, or reorganization of these corporations as a mutual insurance company under the provisions of chapter one hundred and seventy-five of the General Laws.

SECTION 76. Notwithstanding the provisions of sections twenty-five B to twenty-five H, inclusive, of chapter one hundred and eleven of the General Laws, no determination of need shall be required for any substantial capital expenditure for construction, including renovations, additions, or total replacement, for major movable equipment, or for new technology related to provision of services or for any substantial change in services or increase in staff if the health care facility is any hospital facility of the Shriner's Hospitals for Crippled Children.

SECTION 77. (1) The provisions of this section shall apply to the uncompensated care pool until the department of medical security assumes responsibility for managing the uncompensated care pool on October first, nineteen hundred and eighty-eight. For purposes of this section, the terms defined in section thirty-one of chapter six A of the General Laws, and in sections one and fifteen of chapter one hundred and eighteen A of the General Laws shall have the meanings given them therein. The rate-setting commission shall calculate each acute hospital's net estimated liability to the uncompensated care pool established by said section fifteen of chapter one hundred and eighteen F of the General Laws using the same data and estimates as the rate setting commission uses to calculate the uniform allowance for uncompensated care pursuant to section eighty-seven of chapter six A of the General Laws. The commission shall notify the hospital and said pool's administrative agent of the estimated net liability to said pool, or adjustment thereof, no later than thirty days in advance of the first periodic payment and fifteen days in advance of any subsequent adjustment to said periodic payment.

(2) The commission shall establish an interim payment system to

assure periodic payments of estimated liabilities to and from the pool. Acute hospitals that have an estimated annual net liability to the pool shall be required to pay monthly a percentage of their estimated net annual liability to said pool which will ensure that the full annual net liability is paid, and acute hospitals to which said pool owes an estimated net liability shall receive monthly from said pool a percentage of this estimated annual net liability which will ensure that the full annual net liability is received. Each hospital's payments to or from the voluntary uncompensated care pool in operation from October first, nineteen hundred and eighty-seven until the effective date of this section of this act shall be credited against its net liability to or from the pool.

(3) The commission shall contract with a nonprofit hospital service corporation to act as its administrative agent for payments to and from said pool. Said agent shall maintain any cash balance in the pool in a separate interest-bearing account and any interest on this account shall accrue and be applied to the final settlement of said pool. Said agent shall disburse payments determined by the commission subject to paragraph (4). Said agent shall provide the commission with the detail of monthly receipts to and payments from said pool at the end of each monthly period, including the name of any acute hospital which did not make its scheduled periodic payment to said pool. Upon proper notification by said agent and verification by the commission, said commission shall instruct said agent to offset payments on hospital claims from the agent in the amount of the payment owed to the pool, plus a surcharge of five per cent on that amount, and to transfer the withheld funds into said pool.

(4) At no time shall said agent make any periodic pay-outs from said pool in excess of monies that have been paid into the pool for the same period. Each acute hospital having an estimated net liability to said pool shall make payment to said agent on the first day of each month. On the fifteenth day of the same month, the agent shall make payment to each hospital that is to receive a periodic payment for an amount which shall equal said pool's periodic net liability to the hospital multiplied by the lesser of (i) one, or (ii) the ratio of said pool's total receipts to the pool's total expected receipts for that period; except that any late payments to said pool made in one period for prior periods shall be added on a pro rata basis to the next periodic payment to hospitals.

(5) The nonprofit hospital service corporation shall, when acting upon the instructions of the commission and as its administrative agent, be immune from all liability, legal actions, damages or other penalties for administration of said pool, except for its own fraudulent or negligent acts. If said agent offsets claims payments as ordered by the commission, it shall be deemed not to be in breach of contract, and hospitals to which payment is offset under order of the commission must serve all members and subscribers of the nonprofit hospital service corporation in accordance with hospital agreement thirty or other hospital agreements then in effect. For the cost of administering said pool for the fiscal year ending on or about October first, nineteen hundred and eighty-eight, the commission may pay the administrative agent from said pool its reasonable costs up to one hundred thousand

dollars.

(6) There shall be rendered, at the conclusion of the year ending on or about October first nineteen hundred and eighty-eight, an audit opinion of said agent's administration of said pool, if said agent is appointed. Such audit opinion shall be made by the outside auditors employed by said agent to audit its other financial operations, and the audit results shall be reported to the commission for review.

SECTION 78. The provisions of this act shall be deemed severable, and if any part of this act shall be adjudged unconstitutional or invalid, such judgment shall not affect the validity of other parts thereof.

SECTION 79. Except as otherwise provided, the provisions of subsection (a) of section fourteen G of chapter one hundred and fifty-one A of the General Laws shall apply to wages paid on or after January first, nineteen hundred and ninety. The provisions of subsections (b) and (c) of said section fourteen G shall apply to wages paid on or after January first, nineteen hundred and ninety-two.

SECTION 80. Notwithstanding the provisions of: section ten of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-two; section nine of chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-four; or sections twenty-two or twenty-four of said chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-five; the provisions of sections thirty-one, fifty-nine, fifty-nine A, sixty, sixty-two, sixty-three, sixty-four, sixty-five, sixty-five A, sixty-six, sixty-seven, sixty-nine, seventy, seventy-one, seventy-two, seventy-six, and seventy-seven, of chapter six A of the General Laws and of the sixth, seventh, eighth and ninth paragraphs of section five of chapter one hundred and seventy-six A of the General Laws, shall be applicable to services provided after September thirtieth nineteen hundred and eighty-seven by community health centers and by acute hospitals with fiscal years beginning on or about October first and for services provided after June thirtieth, nineteen hundred and eighty-eight for hospitals with fiscal years beginning on July first. Notwithstanding the provisions of section twenty-three of said chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-five, the provisions of sections thirty-seven to forty-seven of chapter six A of the General Laws shall apply only to nonacute hospitals effective October first, nineteen hundred and eighty-seven.

SECTION 81. Effective October first, nineteen hundred and ninety-one for hospitals with fiscal years beginning on or about October first and July first, nineteen hundred and ninety-two for hospitals with fiscal years beginning on July first, acute hospital rates shall be governed by the provisions of sections thirty-seven to forty-seven of chapter six A of the General Laws, notwithstanding the language in said provisions limiting their applicability to nonacute hospitals, and the provisions of section eighty-seven of said chapter six A of the General

Laws, of section fifteen of chapter one hundred and eighteen F of the General Laws, and of the sixth, seventh, eighth and ninth paragraphs of section five of chapter one hundred and seventy-six A of the General Laws shall not apply to such acute hospitals.

SECTION 82. The executive office of administration and finance shall, subject to appropriation, contract for a comprehensive, six-year study of the impact of mandatory health care in the commonwealth as proposed herein. Such study shall include, but not be limited to, projected costs to the commonwealth for the following programs: the establishment of voluntary incentives for small business, including technical assistance grants, tax credits, the Health Insurance Hardship Trust Fund, and an experimental project of state brokering health care for small business; the commonwealth's share of the uncompensated care pool; the operation of the department of medical services; all pilot programs established to provide health care coverage to the uninsured; all costs to the commonwealth, beginning in nineteen hundred and ninety-two, for providing health care to those individuals not otherwise provided for herein including demographic information relative to said individuals; and the assumption of all hospital costs of general relief recipients. Said study shall also assess the costs to all colleges and universities, students, and the commonwealth associated with the implementation of mandatory health care coverage for college students as provided herein. Said study shall also assess the economic impact of mandatory health care coverage on the cost of doing business in the commonwealth and the impact, if any, on the competitiveness of Massachusetts firms. Said study shall also include the projected costs to the commonwealth for the Medicaid program, including any changes to the existing program as provided herein. Said study shall provide not less than one periodic report each year to the house and senate committees on ways and means and the joint committee on health care.

SECTION 83. The department of medical services shall establish a fund for the purposes of addressing the critical labor shortage facing hospitals. Said fund shall be administered by the department according to regulations promulgated by the department and approved by the secretary of the executive office of human services and by the secretary of administration and finance. Projects financed through said fund shall include, but not be limited to, training of health care workers, the development of career ladders within the health care professions, and the establishment of day care programs at hospitals and other health care facilities.

Funds for this pool shall be provided for by an assessment on each acute-care hospital equal to one-tenth of one per cent of the gross patient service revenues of such hospital approved under chapter six A of the General Laws.

SECTION 84. The secretary of human services shall, following consultation with the statewide health coordinating council, the Massachusetts league of community health centers, the Massachusetts

Medical Society, the Massachusetts Hospital Association, the statewide area health education center program, the deans of the Massachusetts medical schools, members of the general court and any other groups the secretary deems appropriate, develop criteria within one hundred and twenty days of the effective date of this act, regarding the identification and designation of medically underserved and health manpower shortage areas in the commonwealth.

The secretary of human services shall convene and chair a task force which shall include the commissioner of education, the chancellor of the board of regents, and representatives from the New England board of higher education, the statewide Massachusetts area health education center program, the deans of the Massachusetts medical schools and any other groups the secretary deems appropriate. Said task force shall, within one hundred and eighty days of the effective date of this act, report back to the legislature on recommendations for legislation with respect to the development of a Massachusetts Health Service Corps. Such recommendations shall, at a minimum, include a provision whereby individuals enrolled in medical schools whose education is supported by state funds shall be required to sign a contract whereby the student agrees to a service or monetary payback. Such service payback shall be completed in placement sites or areas designated and approved by the secretary of human services pursuant to this section. Such recommendations shall also include guidelines regarding the duration of such service payback and the amount of alternative monetary payback. Such recommendations shall include a provision whereby individuals enrolled in medical schools whose education is supported by state funds shall be required to register 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.

SECTION 85. There is hereby established a special commission to consist of the commissioner of administration, the secretary of the executive office of human services, the secretary of the executive office of elder affairs, the commissioner of the group insurance commission, a representative of the life insurance association of Massachusetts, a representative of the hospital association of Massachusetts, a representative of the Massachusetts Medical Society, a member of the business roundtable, a representative of the Massachusetts federation of nursing homes, a representative of the Massachusetts league of community health centers, a representative of the Massachusetts association of health maintenance organizations, and a recipient of medicaid; provided, however, that each representative shall be designated by the respective organization represented and the medicaid recipient shall be appointed by the governor.

Said commission is hereby authorized and directed to investigate, study and prepare plans relative to the complete or partial consolidation of the medicaid program, the department of medical security, and the group insurance commission.

Said commission may travel within the commonwealth and may conduct public hearings. Said commission shall file its recommended

plan, including recommended legislation, regarding such consolidation with the clerks of the house and senate no later than January first, nineteen hundred and eighty-nine. Said plan shall contain a proposal capable of being implemented upon July first, nineteen hundred and eighty-nine, in the event that such recommended legislation is enacted.

Said commission shall develop recommendations to allow the commonwealth to utilize resources more efficiently through the exercise of consolidated purchasing power, without jeopardizing the quality of medical care provided to participants in the medicaid program, the department of medical security, and the group insurance commission.

SECTION 86. In the event of enactment of federal legislation to establish a national health insurance program, the department of medical security shall, within sixty days of such enactment, submit a report to the house and senate committees on ways and means analyzing the relationship of such national program to the programs of the department and recommending legislation to eliminate any duplication between such state and national programs or to provide that such programs are coordinated in such a manner as to ensure maximum, cost-efficient access to health care for the citizens of the commonwealth.

SECTION 87. The provisions of section seventy shall not be construed to amend or alter in any way the provisions of chapter one hundred and ninety-two of the acts of nineteen hundred and eighty-four including the prohibition on "balance billing", so-called provided by section seven of chapter one hundred and seventy-six B of the General Laws.

SECTION 88. The commonwealth's cost for implementation of this act shall not exceed two hundred and sixty-one million dollars for the fiscal year nineteen hundred and ninety and the cost for implementation shall not exceed four hundred and seventy-seven million dollars for the fiscal year nineteen hundred and ninety-two, except by vote of the general court.

SECTION 89. There is hereby established a special commission to consist of six members of the house of representatives and three members of the senate for the purpose of making an investigation and study relative to health maintenance organizations in the commonwealth to ascertain whether any such health maintenance organizations utilize financial incentives with respect to doctors which could induce a compromise of patient care and could adversely affect the quality of patient care. Said commission shall also ascertain whether health maintenance organizations should be required to inform subscribers about the financial incentives and penalties that are placed on doctors who care for them. 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 its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of April, nineteen hundred and eighty-nine, who shall forward the same to the

joint legislative committee on health care.

SECTION 90. The rate setting commission is hereby authorized and directed to study the desirability and feasibility of establishing reasonable maximum rates of reimbursement which nursing pools, so-called, may be allowed to charge. Said commission shall file a report of the study, including recommended legislation, if any, with the joint committee on health care no later than October first, nineteen hundred and eighty-eight.

SECTION 91. The department of public health is hereby authorized and directed to study the desirability and feasibility of establishing minimum standards for the registration and operation of nursing pools, so-called. Said department shall file a report of the study, including recommended legislation, if any, with the joint committee on health care no later than October first, nineteen hundred and eighty-eight.

SECTION 92. Sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, fifty, seventy-two, seventy-three, seventy-seven, eighty, and eighty-three of this act shall take effect as of October first, nineteen hundred and eighty-seven; provided, however, acute hospitals with fiscal years beginning on July first shall be governed through June thirtieth, nineteen hundred and eighty-eight by the provisions of chapter six A of the General Laws as it read immediately prior to the passage of this act; and provided, further, that the provisions of said chapter six A as it read immediately prior to the passage of this act shall govern issues concerning hospital rates for fiscal years to which they applied. Sections one, twenty-one, twenty-three, thirty-one, thirty-eight, forty-five, forty-seven, fifty-one, seventy-four, seventy-five, seventy-six, seventy-eight, seventy-nine, eighty-one, eighty-five, ninety, and ninety-one of this act shall take effect upon its passage. Sections forty and forty-one of this act shall take effect on July first, nineteen hundred and eighty-eight. Sections fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-two, sixty-three, sixty-five and eighty-seven of this act shall take effect on January first, nineteen hundred and eighty-nine. Section twenty-two of this act shall take effect on September first, nineteen hundred and eighty-nine. Sections twenty-eight and twenty-nine of this act shall take effect for taxable years beginning on or after January first, nineteen hundred and ninety, but shall not apply to tax years beginning on or after January first, nineteen hundred and ninety-two. Section forty-six of this act shall take effect on January first, nineteen hundred and ninety, subject to the provisions of section seventy-nine of this act.

Approved April 21, 1988.

EMERGENCY LETTER: April 21, 1988 @ 1:59 P.M.

Chapter 24. AN ACT PROHIBITING FURLOUGHS FOR PERSONS CONVICTED OF FIRST DEGREE MURDER.

Be it enacted, etc., as follows:

Section 90A of chapter 127 of the General Laws, as appearing in the 1984 Edition, is hereby amended by inserting in line 14 after the word "commissioner" the following:- provided, further, that no committed offender who has been convicted of murder in the first degree shall be eligible for temporary release under the provisions of this section.

Approved April 28, 1988.

Chapter 25. AN ACT MAKING AN APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-EIGHT TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

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

SECTION 2.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Hazardous Waste Facility Site Safety Council.

2050-0200	For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws	$121,306

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

Approved May 6, 1988.

Chapter 26. AN ACT AUTHORIZING DONALD A. MacPHAIL TO TAKE A CIVIL SERVICE EXAMINATION FOR THE POSITION OF POLICE OFFICER IN THE TOWN OF MONTAGUE NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a police officer, Donald A. MacPhail shall be eligible to take a civil service examination for police officer in the town of Montague and, provided he meets all other requirements. shall be eligible for certification and appointment.

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

Approved May 6, 1988.

Chapter 27. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO CONVEY A CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

The city of Westfield is hereby authorized to convey a certain parcel of park land to Ridgecrest Park Inc.

Said parcel is shown as Parcel A on a plan entitled "Plan of Ridgecrest Park Inc., Westfield, Massachusetts" dated February 3, 1977 to be recorded herewith in the Hampden county registry of deeds.

The grantor herein agrees that the grantee is to have the right to tie into any municipal drainage established in the area. The grantor is under no obligation to supply drainage to the area.

Approved May 9, 1988.

Chapter 28. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO QUARRY PLACE INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the city of Fall River is hereby authorized to issue a license for the sale of all alcoholic beverages, not to be drunk on the premises, to Quarry Place Inc., d/b/a Shaker Village Discount Mart Inc. under the provisions of section fifteen of said chapter one hundred and

thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under said section seventeen.

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

Approved May 10, 1988.

Chapter 29. AN ACT MAKING AN APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-EIGHT 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 a certain item in the general appropriation act, and for certain other 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 sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Item

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 item 9110-1630 of this act; provided, however, 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 home care 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, that no funds appropriated herein shall be expended for the direct purchase of home care, home health or related services or for the establishment of a reserve, so-called, to be used by the executive office of elder affairs for any purpose $1,350,000

SECTION 3. Chapter 23 of the acts of 1988 is hereby amended by inserting after section 77 the following section:-

Section 77A. Notwithstanding the provisions of chapter one hundred and eighteen F of the General Laws, a health benefit plan established pursuant to chapter thirty-two A or thirty-two B of the General Laws may not require an employee to pay a premium percentage, deductible or coinsurance amount which is greater that the premium percentage, deductible or coinsurance amount required to be paid by the employee under the plan in effect when said chapter one hundred and eighteen F became effective; provided, however, that a health plan established pursuant to said chapter thirty-two A or thirty-two B shall provide benefits which are no less than the benefits provided under the plan in effect when said chapter one hundred and eighteen F became effective; provided, further, that nothing in this section shall preclude the parties to a collective bargaining agreement under chapter one hundred and fifty E of the General Laws from agreeing to any change in the premium percentage, deductible, or coinsurance amount which an employee is required to pay or to a change in benefits provided in a health plan established under the provisions of said chapter thirty-two A or thirty-two B.

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

Approved May 10, 1988.

Chapter 30. AN ACT AUTHORIZING THE TOWN OF DARTMOUTH AND THE CITY OF NEW BEDFORD TO ENTER INTO CERTAIN AGREEMENTS RELATIVE TO THE SUPPLY OF CERTAIN SERVICES AND REIMBURSEMENTS THEREFOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the town of Dartmouth and the city of New Bedford to enter into certain agreements, 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 seventeen of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Dartmouth and the city of New Bedford are hereby authorized to enter into agreements for supplying water, sewer, police, fire, rescue, maintenance, ambulance and related services to the New Bedford/Dartmouth Industrial Park, so-called. Said agreements shall include a formula for reimbursements by either the town of Dartmouth or the city of New Bedford to the other for supplying such services to that portion of the said Industrial Park located in the other municipality, or a provision for charging landowners in such portion of the said Industrial Park for such services, or both such a formula and such a provision. The rights to receive such services under said agreements may be extended to landowners in said Industrial Park for a term of up to sixty years.

Said agreements shall be subject to the approval of the selectmen of said town of Dartmouth and the mayor and city council of the said city of New Bedford and signed by the chief executive officer of said town and said city.

SECTION 3. Section one of this act shall take effect as of April twentieth, nineteen hundred and eighty-eight.

Approved May 10, 1988.

Chapter 31. AN ACT REGULATING THE TAXATION OF BED AND BREAKFAST ESTABLISHMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify the law relative to the taxation of bed and breakfast establishments, 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 64G 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 requires otherwise, have the following meanings:-

(a) "Bed and breakfast establishment", a private owner-occupied house where four or more rooms are let and a breakfast is included in the rent, and all accommodations are reserved in advance.

(b) "Bed and breakfast home", a private owner-occupied house where three or fewer rooms are let and a breakfast is included in the rent, and all accommodations are reserved in advance.

(c) "Hotel", any building used for the feeding and lodging of guests licensed or required to be licensed under the provisions of section six of chapter one hundred and forty.

(d) "Lodging house", a house where lodgings are let to four or more persons not within the second degree of kindred to the person conducting it, licensed or required to be licensed under section twenty-three of chapter one hundred and forty.

(e) "Motel", any building or portion thereof, other than a hotel or lodging house, in which persons are lodged for hire with or without meals and which is licensed or required to be licensed under the provisions of section thirty-two B of chapter one hundred and forty, or is a private club.

(f) "Operator", any person operating a bed and breakfast establishment, hotel, lodging house or motel in the commonwealth including, but not limited to, the owner or proprietor of such premises the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such bed and breakfast establishment, hotel, lodging house or motel.

(g) "Occupancy", the use or possession, or the right to the use or possession, of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment, accompanying the use and possession of such room or rooms, for a period or ninety consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

(h) "Occupant", a person who, for a consideration, uses, possesses or has a right to use or possess, any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel under any lease, concession, permit, right of access, license or agreement.

(i) "Person", includes an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee,

assignee or referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of individuals acting as a unit.

(j) "Rent", the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature and also any amount for which credit is allowed by the operator to the occupant without any deduction therefrom whatsoever.

SECTION 2. Section 2 of said chapter 64G, as amended by section 1 of chapter 581 of the acts of 1987, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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; (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; and (f) a bed and breakfast home.

SECTION 3. Section 3 of said chapter 64G, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- An excise is hereby imposed upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house, or motel in this commonwealth by any operator at the rate of five per cent of the total amount of rent for each such occupancy.

SECTION 4. Section 3A of said chapter 64G, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any city or town which accepts the provisions of this section shall be authorized to impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, four per cent of the total amount of rent for each such occupancy.

SECTION 5. Said chapter 64G is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. No person shall operate a bed and breakfast establishment, hotel, lodging house or motel in this commonwealth unless a certificate of registration has been issued to him in accordance with section sixty-seven of chapter sixty-two C.

SECTION 6. The definition of "Restaurant" in paragraph (h) of section 6 of chapter 64H, as so appearing, is hereby amended by inserting after the word "dollar", in line 20, the words:- ; and, provided further, that a bed and breakfast establishment or bed and breakfast home, as defined in chapter sixty-four G, shall not be considered an eating establishment within the meaning of this chapter where the value of a breakfast served is included in the rent subject to tax under said chapter sixty-four G.

SECTION 7. The provisions of chapter sixty-four G of the General Laws, in effect prior to the effective date of this act, shall not apply to the transfer of room occupancies in a bed and breakfast home, as defined in section one of this act, made prior to the effective date of this act; provided, however, that such provisions shall continue to apply to transfers made prior to the effective date of this act if the excise imposed by said chapter sixty-four G was collected by such bed and breakfast home from the occupant.

Approved May 10, 1988.

Chapter 32. AN ACT RELATING TO THE ISSUE OF CERTAIN BONDS BY THE TOWN OF NORTH READING.

Be it enacted, etc., as follows:

SECTION 1. Any indebtedness incurred by the town of North Reading for acquiring the Hillview Country Club and for purchasing necessary equipment and furnishings therefor, including but not limited to the four million seven hundred thousand dollars gold course acquisition bonds approved under Article 1 of the warrant for the January nineteenth, nineteen hundred and eighty-eight special town meeting and the one hundred thousand dollars golf course equipment bonds approved under Article 2 of said warrant, shall be subject to the applicable provisions of chapter forty-four of the General Laws; provided, however, that the maturities of bonds or notes issued for these purposes shall be arranged so that for each issue the combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

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

Approved May 10, 1988.

Chapter 33. AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE HILLVIEW FACILITY IN THE TOWN OF NORTH READING.

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 provision of law to the contrary, the town of North Reading is hereby authorized to establish a special account to be known as the Hillview Special Account into which account shall be deposited all receipts, revenues and funds from any source derived from any activity of the Hillview facility formerly known as the Hillview Country Club. For the purpose of acquiring, operating, maintaining and improving the facility, said town, may, at any time during the fiscal year appropriate monies into said account. Donations from private sources also may be received and placed into said account, as well as monies from other sources authorized by law.

SECTION 2. Said account shall be maintained by the town treasurer of said town. Said treasurer may invest the monies in said account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four of the General Laws. The interest accruing upon said Account shall inure solely to the benefit of the Hillview facility. The books and records of the facility pertaining to said Account shall be maintained in accordance with generally accepted principles of accounting. Said Account shall be audited annually by an independent certified public account. Such audit reports shall be submitted to the Hillview commission, the board of selectmen and the town administrators of said town.

SECTION 3. The town treasurer of said town, upon written request of the Hillview commission with the approval of the board of selectmen of said town, may advance funds from the general fund of the town, in anticipation of the receipt of revenues of the Hillview facility for the same fiscal year. Such advances outstanding at one time in any fiscal year shall not exceed twenty-five per cent of the annual expenses of the current fiscal year as certified by said commission unless a larger amount shall be approved by said board of selectmen. All sums so advanced shall be deposited into said account established under section one and said facility shall, prior to the end of the fiscal year in which advances were made from the general fund, repay said advances from said Account. Said repayment shall include an amount equal to the interest as determined by the town treasurer of said town, allocable to any debt incurred by said town in anticipation of revenue, in order to make such advances to said facility during the same fiscal year.

SECTION 4. The Hillview commission shall file with the board of selectmen, the town administrator, the town treasurer and the bureau of accounts a written report of the special account established under the provisions of section one within one hundred and twenty days after the books are closed for the fiscal year. Such report shall include financial statements relating to the operations, maintenance, capital and real and personal properties of the Hillview facility.

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

SECTION 6. This act shall become inoperative on July first, nineteen hundred and eighty-nine.

Approved May 10, 1988.

Chapter 34. AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE GLOVER MEMORIAL HOSPITAL OF THE TOWN OF NEEDHAM.

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 provision of law to the contrary, the town of Needham hereinafter referred to as the town may establish a separate account classified as the Glover Memorial Hospital Special Account. Said hospital is hereinafter referred to as the hospital, said special account is hereinafter referred to as the special account. All funds now held by the town and received from or on account of the hospital, other than funds under the jurisdiction of the commissioners of trust funds of the town, shall be transferred to the special account and all receipts, revenues and funds from any source derived from or on account of an activity or activities of the hospital shall be deposited in the special account. Grants from the federal government or any agency thereof or the commonwealth or any agency thereof for the use, benefit or support of the hospital shall also be deposited in the special account. The town may from time to time appropriate funds for specific purposes relating to the provision of health care for the citizens of the town and such appropriations shall be deposited in the special account. The special account shall be maintained by the treasurer of the town who may invest the funds in the special account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four of the General Laws. Interest earned on or income or proceeds received from any investment of funds of the special account shall be credited to and become part of the special account. The acceptance of grants to be deposited in the special account shall be made on behalf of the town by the trustees of the hospital hereinafter referred to as the trustees.

SECTION 2. The books and records of the special account and of the hospital shall be maintained in accordance with generally accepted accounting principles pertaining to not-for-profit charitable institution and in accordance with the requirements of section thirty-eight of chapter forty-four of the General Laws provided that they shall be kept so as to provide at all times for the segregation of funds derived from appropriations made pursuant to section one or advances made pursuant to section five from all other funds held in the special account. Such books and records shall be audited annually by a certified public accountant appointed by the board of selectmen hereinafter referred to as the board who shall file copies of each report of audit with the

trustees and with the board, the finance committee and the director of finance of the town and with the bureau of accounts hereinafter referred to as the bureau of the department of revenue.

SECTION 3. Not less than sixty days prior to the beginning of each fiscal year, the trustees shall submit to the board and the finance committee of the town a budget, in such form and detail as the trustees may determine and the board, may approve of anticipated revenues from operations and proposed expenditures by the hospital during such fiscal year. Said budget shall also include estimates of revenue from investment of funds in the special account. Upon consideration of any recommendation of the finance committee, the board may approve or reduce the proposed expenditures included in the budget, and the budget so approved shall constitute the budget of the hospital for such fiscal year. Said budget shall be reported to the commissioner of revenue in conjunction with the submission by the assessors of the town pursuant to section twenty-three of chapter fifty-nine of the General Laws. If, however, the budget as submitted to the board shall propose expenditures in excess of the sum of anticipated revenues from operations of the hospital and from investment of funds plus any balance of monies estimated to be on deposit in the special account, other than monies received from town appropriations made pursuant to section one for specific purposes or from grants for any purpose other than general operations of the hospital, at the close of business on the last day of the fiscal year next preceding the fiscal year respecting which the budget is submitted, after deducting from such balance all bills estimated to remain unpaid at the end of such prior fiscal year, the budget may not be approved by the board but shall be submitted to the town meeting for adoption as in the case of an appropriation. The term "approved budget" shall include a budget so adopted. If during a fiscal year the trustees shall determine that a revision of the approved budget is required, the trustees shall submit such revised budget to the finance committee and the board of the town. Such revised budget shall not take effect except to the extent approved by the board and shall not take effect in any event unless the expenditures proposed therein shall be no greater than the sum of revenues received and anticipated to be received through the end of the fiscal year from operations of the hospital and from investment of funds plus the then balance of monies on deposit in the special account, other than monies received from town appropriations made pursuant to section one for specific purposes or from grants for any purpose other than general operations of the hospital, in excess of bills or accruals then remaining unpaid. Approval by the board of a budget, whether initial or revised, shall not be deemed to constitute an appropriation of funds on deposit or thereafter deposited in the special account. The provisions of section sixteen of chapter thirty-nine, sections fifty-eight and fifty-nine of chapter forty-one or sections thirty-one and thirty-three B of chapter forty-four of the General Laws shall not apply to any such approved budget or to liabilities incurred or expenditures made within the amounts proposed in any such approved budget to be expended. The trustees may not, however, incur any

liability for a payment which shall be due on or before the end of the fiscal year in excess of the amount available for such payment pursuant to the approved budget.

SECTION 4. Expenditures from the special account may be made, within the items contained in the current approved budget, without appropriation, by the director or other official of the hospital authorized by the trustees. Such expenditures shall be made solely for the operation, maintenance and support of the hospital and for the provision of capital equipment and plant for the hospital, subject, however, to any limitations imposed upon the expenditure of funds appropriated by the town or received as grants. The trustees shall file monthly with the director of finance, the board and the finance committee of the town statements of expenditures made and of receipts from operations for the month and fiscal year to date for the operation, maintenance and support of the hospital and for capital expenditures. Said reports shall show budgeted expenditures and receipts for the month and fiscal year to date. Annually, within one hundred and twenty days after the close of the fiscal year, the trustees shall file with the director of finance, the board and the finance committee of the town and with the bureau a report showing all expenditures made during such fiscal year for the operation, maintenance and support of and capital purchases for the hospital from the special account, all receipts from operations of the hospital and all other amounts deposited in the special account.

SECTION 5. Upon written request of the trustees certifying that a cash flow deficiency is expected in the special account and approval of such request by vote of a majority of the whole number of the board, the treasurer of the town shall transfer to the special account an amount not in excess of the anticipated deficiency from any available funds in the treasury of the town in any fiscal year in anticipation of the receipt of revenues from operations of the hospital during such fiscal year. Such advances outstanding at any one time during any fiscal year shall not exceed twenty-five per cent of the current budget of the hospital for such fiscal year as approved pursuant to section three. Prior to the end of such fiscal year the hospital shall repay such advances to the treasury of the town, together with an amount equal to the interest as determined by the director of finance of the town to be allocated to such advances. Unless the town meeting shall appropriate funds for the purpose and only to the extent of such appropriation, the town shall not be liable for any liability or obligation incurred by or on behalf of the hospital which remains unpaid at the end of a fiscal year other than to the extent of deposits thereafter made in the special account. If at the end of a fiscal year any advance made by the treasurer of the town pursuant to this section or amount of allocable interest thereon shall remain unpaid to any extent, unless the town meeting shall determine otherwise, the resulting deficiency shall be repaid to the treasury of the town out of deposits, from any source other than town appropriations, thereafter made in the special account before any payment shall thereafter be made from the special account other than for compensation or benefits

of employees of the hospital who were such employees at the end of such fiscal year.

SECTION 6. Upon written certification by the treasurer of the town that a cash flow deficiency is expected in the treasury of the town and a request that monies be transferred from the special account to the treasury of the town, and upon approval of such request by the trustees and the board, the treasurer of the town shall transfer to the treasury of the town an amount, not in excess of the anticipated deficiency, from any available funds in the special account in any fiscal year in anticipation of the receipt of tax or other revenues of the town during such fiscal year. Such advances outstanding at any one time during any fiscal year shall not exceed twenty-five per cent of the budget of the hospital for such fiscal year as approved pursuant to section three. The town shall, prior to the end of such fiscal year, repay such advances to the special account together with an amount equal to the interest as determined by the director of finance of the town be allocable to said advances.

SECTION 7. This act shall be subject to amendment or repeal only by laws enacted by the general court in conformity with the provisions of section eight of Article LXXXIX of Articles of Amendment to the Constitution, and shall not be subject to the provisions of chapter forty-three B of the General Laws.

SECTION 8. Sections seven and eight of this act shall take effect upon its passage. Sections one to six, inclusive, shall take effect on July first, nineteen hundred and eighty-eight.

SECTION 9. This act shall take effect upon its acceptance by the town of Needham.

Approved May 11, 1988.

Chapter 35. 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 Norman Share, as he is a

former municipal judge of Florida, in the city of Boston on July third, nineteen hundred and eighty-eight between Robert Djorup of the town of Wellesley and Sheryle Hope Serbin, of said town of Wellesley, and the state secretary shall issue to said Norman Share in his capacity as aforesaid a certificate of such authorization.

Approved May 17, 1988.

Chapter 36. 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 3 of chapter 760 of the acts of 1987 is hereby amended by inserting after the words "thirty-five", in line 8, the words:- thirty-eight, forty-one.

SECTION 2. Said section 3 of said chapter 760 is hereby further amended by striking out, in line 9, the words "and fifty-one" and inserting in place thereof the words:- fifty-one, fifty-two, fifty-three, fifty-four and fifty-five.

SECTION 3. Paragraph (c) of section 10 of chapter 28A of the General Laws, as most recently amended by section 3 of chapter 773 of the acts of 1987, is hereby further amended by inserting after the second sentence the following sentence:- Fines authorized by this section shall range from fifty dollars to one thousand dollars; provided, however, that in no case shall a fine imposed on a family day care home or day care center, as defined in section nine, exceed a maximum fine of two hundred and fifty dollars.

SECTION 4. The provisions of sections one and two of this act shall take effect as of April thirteenth, nineteen hundred and eighty-eight.

Approved May 17, 1988.

Chapter 37. 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 Anne Everest Wojtkowski as she is the mayor of the city of Pittsfield in said city on May twenty-first, nineteen hundred and eighty-eight between Christine Jones and Donald L. Herold both of the town of Williamstown, and the state secretary shall issue to said Anne Everest Wojtkowski in her capacity as aforesaid a certificate of such authorization.

Approved May 17, 1988.

Chapter 38. AN ACT RELATIVE TO PARKING FINES IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

The first paragraph of clause (a) of section 3 of chapter 397 of the acts of 1978 is hereby amended by inserting after the word "Laws", in line 33, the words:- provided, however, that the traffic commission may, with the approval of the mayor and the board of aldermen, prescribe a schedule of fines not to exceed fifty dollars for each of the following snow emergency parking violations: parking twenty feet within intersection, parking within area of fire hydrant, and parking within all areas designated as fire lanes.

Approved May 17, 1988.

Chapter 39. AN ACT ALLOWING THE CITY OF SOMERVILLE TO CONTRACT FOR ROOFING REPAIR, WINDOW REPLACEMENT AND WALL REPAIRS AT THE WINTER HILL SCHOOL.

Be it enacted, etc., as follows:

The city of Somerville is hereby authorized to enter into a valid contract with Caesar's Roofing Company Inc., for roofing work at the Winter Hill community school, and with A & A Window Products Inc., for window replacement and wall repairs at said school, despite the fact that these contract opportunities were not advertised in the Somerville journal. While such advertisements did appear in the central register of the commonwealth, and in the Dodge report, section forty-six A of the city charter requires that bids for contracts of this description be invited

by advertisement in at least one newspaper published in the city.

Approved May 17, 1988.

Chapter 40. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL ELECTION IN THE TOWN OF FLORIDA.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Florida at its nineteen hundred and eighty-eight town election held on May second, nineteen hundred and eighty-eight and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such election had been published and posted as required by law.

Approved May 17, 1988.

EMERGENCY LETTER: May 17, 1988 @ 4:18 P.M.

Chapter 41. AN ACT AUTHORIZING THE CITY OF BOSTON TO GRANT A PERMANENT EASEMENT IN A CERTAIN PARCEL OF LAND TO THE BOSTON EDISON COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, acting by and through its parks and recreation department, is hereby authorized to grant to Boston Edison Company, a perpetual easement for the transmission of electric current and purposes incidental thereto under the surface of a certain parcel of land situated in said city. Said easement is shown on a plan entitled "Proposed Location of Boston Edison Company Easement", dated September 1, 1987 by Design State Survey, Inc. on file with Boston Edison Company to be recorded in the registry of deeds for Suffolk county.

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

Approved May 18, 1988.

Chapter 42. AN ACT RELATIVE TO THE PAYMENT OF CERTAIN MUNICIPAL CHARGES AND BILLS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40 of the General Laws is hereby amended by inserting after section 21D the following section:-

Section 21E. Any city or town may, by ordinance or by-law, and any district by vote of the district meeting, establish due dates for the payment of municipal charges and bills, and may fix a rate at which interest shall accrue if such charges remain unpaid after such due dates; provided, however, that the rate of interest shall not exceed the rate at which interest may be charged on tax bills under the provisions of section fifty-seven of chapter fifty-nine.

SECTION 2. Said chapter 40 is hereby further amended by inserting after section 42I the following section:-

Section 42J. In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of water under section sixty-nine B of chapter forty-one or any other provision of law, shall, upon the application of the owner of the real property to which the water is supplied, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for water supplied to such property. An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A.

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid water rates and charges to be added to the tax bill. Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and secured by the statement of lien executed pursuant to said clause Forty-first A. Upon such qualification for deferral, no further application under this section need be filed in order to qualify for deferral of water charges in subsequent years. No additional notice or statement of lien need be recorded or registered with respect to such deferred water charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty. Whenever a person who has received an exemption under said clause Forty-first A ceases to receive such exemption, the board of assessors shall cease deferring water rates and charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges.

Interest shall be charged upon deferred water charges at the same rate as interest on taxes deferred under said clause Forty-first A. The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as taxes deferred under said clause Forty-first A.

The amount of water charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A.

SECTION 3. Clause Forty-first A of section 5 of chapter 59 of the

General Laws, as amended by section 4 of chapter 758 of the acts of 1987, is hereby further amended by adding the following paragraph:-

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section fifty-three of chapter sixty, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section sixty-two of chapter sixty; (2) no assignment of the municipality's interest under this clause may be made pursuant to section fifty-two of chapter sixty; (3) no petition under section sixty-five of chapter sixty to foreclose the lien may be filed before the expiration of six months from the conveyance of the property or the death of the person whose taxes have been deferred.

SECTION 4. Chapter 83 of the General Laws is hereby amended by inserting after section 16F the following section:-

Section 16G. In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of the common sewers under section sixteen of chapter eighty-three or any other provision of law, shall, upon the application of the owner of the real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A.

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid sewer charges to be added to the tax bill. Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and abated along with such taxes, and secured by the statement of lien executed pursuant to said clause Forty-first A. Upon such qualification for deferral, no further application under this section need be filed in order to qualify for deferral of sewer charges in subsequent years. No additional notice or statement of lien need be recorded or registered with respect to such deferred sewer use charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty. Whenever a person who has received an exemption under said clause Forty-first A is no longer eligible for such exemption, the board of assessors shall cease deferring sewer use charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges.

Interest shall be charged upon deferred sewer use charges at the same rate as interest on taxes deferred under said clause Forty-first A. The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as

taxes deferred under said clause Forty-first A.

The amount of sewer use charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A.

Approved May 18, 1988.

Chapter 43. AN ACT CLARIFYING CERTAIN PROVISIONS RELATING TO LOCAL TAX BILLS AND ABATEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 8A of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

The excise imposed hereunder shall be committed by the board of assessors to the collector of taxes together with their warrant for the collection thereof in the same manner as real and personal property taxes assessed under this chapter. The collector shall notify the person assessed of the amount of the excise in the manner provided in section three of chapter sixty. For the collection of the excise assessed under this section the collector shall have all the remedies provided by chapter sixty. The excise assessed shall be due and payable on October first of the year assessed, and if not paid on or before November first of the year of assessment, or within thirty days after notification of said excise if said notice is given after October first, shall bear interest as provided in section fifty-seven of chapter fifty-nine.

SECTION 2. Section 57 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Except as otherwise provided, bills for real estate and personal property taxes shall be sent out seasonably upon commitment in every city, town and district in which the same are assessed, and shall be due and payable on July first of each year for all purposes except the calculation of interest as provided in this section.

SECTION 3. Said section 57 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 18, the word "February" and inserting in place thereof the word:- April.

SECTION 4. Said section 57 of said chapter 59, as so appearing, is hereby further amended by striking out the fifth, sixth and seventh sentences and inserting in place thereof the following two sentences:- Bills for taxes assessed under section seventy-five or section seventy-six shall be sent out seasonably upon commitment, and shall be due and payable on the thirtieth day after the date on which the bill for such tax was mailed for all purposes except the calculation of interest as provided in this section. Taxes shall bear interest as hereinbefore provided in this section with respect to real estate and personal property taxes generally;

provided, however, that if a bill for any such taxes is mailed on or after April first of the fiscal year to which the tax relates and remains unpaid after the thirtieth day after the date on which such bill was mailed, interest at the aforesaid rate, computed from the date such bill was mailed, shall be paid on so much of the tax that remains unpaid.

SECTION 5. Section 60 of said chapter 59, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Applications for abatement or exemption under this chapter shall, except in proceedings before the county commissioners, the appellate tax board or a court of the commonwealth, be open only to the inspection of the assessors, the commissioner, the deputies, clerks and assistants of either the assessors or the commissioner and such other officials or designated private auditors of the commonwealth or of its political subdivisions as may have occasion to inspect such applications in the performance of their official, contractual or designated duties. For purposes of this section, a designated private auditor shall be an individual, corporation or other legal entity proficient in auditing selected by the director of accounts or any city or town to perform an audit which includes the assessing department of a city or town under any legal authority, including an audit under sections forty or forty-two of chapter forty-four, or an investigation under section forty-six A of chapter forty-four.

SECTION 6. Section 69 of said chapter 59, as so appearing, is hereby amended by striking out the last sentence, and inserting in place thereof the following sentence:- No refund shall be paid on account of an abatement when there remains an outstanding balance of the tax to which the abatement relates, nor shall any interest be paid on account of an abatement for any period during which any part of the abated tax, net of the amount of the abatement, was outstanding.

SECTION 7. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by inserting after the word "otherwise", in line 115, the words:- and its registration surrendered.

SECTION 8. Said section 1 of said chapter 60A, as so appearing, is hereby further amended by inserting after the word "otherwise", in line 119, the words:- and the registration of such motor vehicle or trailer is surrendered.

SECTION 9. Said section 1 of said chapter 60A, as so appearing, is hereby further amended by inserting after the word "otherwise", in line 137, the words:- and surrender of registration.

SECTION 10. Said chapter 60A is hereby further amended by adding the following section:-

Section 7. If a collector is satisfied that an excise that has been committed to him or to any of his predecessors in office for collection,

is uncollectible by reason of the death, absence, poverty, insolvency, bankruptcy, or other inability of the person assessed to pay, he shall notify the assessors thereof in writing on oath, stating why such excise cannot be collected. The assessors shall act upon such notification within thirty days, and, after due inquiry, may abate such excise or any part thereof, and shall certify such abatement in writing to the collector, and said certificate shall discharge the collector from further obligation to collect the excise so abated.

Approved May 18, 1988.

Chapter 44. AN ACT EXTENDING THE BOUNDARIES OF THE FIRE DISTRICT OF THE TOWN OF WILLIAMSTOWN.

Be it enacted, etc., as follows:

Chapter 69 of the acts of 1912 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The inhabitants of the town of Williamstown liable to taxation in and residing within the boundaries of said town shall constitute the fire district of the town of Williamstown.

Approved May 18, 1988.

Chapter 45. AN ACT AUTHORIZING FURTHER ESTIMATED TAX PAYMENTS IN CERTAIN CITIES AND TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize further estimated tax payments 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:

Notwithstanding the provisions of any general or special law to the contrary, any city or town undertaking a general revaluation of its property under a program approved by the commissioner of revenue for completion and implementation for fiscal year nineteen hundred and eighty-eight is hereby authorized to issue a second half notice of estimated tax in lieu of the actual assessment and issuance of the tax bill, and require the payment of such estimated tax, which shall in no event exceed the amount of the first estimated tax as previously billed; provided, however, that the commissioner of revenue is satisfied that full and fair valuations for fiscal year nineteen hundred and eighty-eight shall be established for certification under paragraph (c) of section two A of chapter fifty-nine of the General Laws; and provided further, that said commissioner certifies in writing that these conditions have been

met. Upon the completion of such revaluation, the assessors of such city or town shall establish the tax rate for fiscal year nineteen hundred and eighty-eight, and shall forthwith send out tax bills for said fiscal year. Payment of any balance remaining after credit is given for the estimated tax payments previously made, shall represent the final payment upon the actual bill that shall be payable on or before the thirtieth day of the mailing thereof, without payment of interest.

All relevant provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of estimated tax provided hereunder, including the payment of interest under section fifty-seven of 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 or remedies.

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

Approved May 23, 1988.

Chapter 46. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO BORROW ADDITIONAL MONEY FOR CERTAIN IMPROVEMENTS AT THE NORFOLK COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 244 of the acts of 1984 is hereby amended by striking out, in line 3, the words "two hundred" and inserting in place thereof the words:- three hundred and fifty.

SECTION 2. Section 2 of said chapter 244 is hereby amended by striking out, in line 9, the words "two hundred" and inserting in place thereof the words:- three hundred and fifty.

SECTION 3. Bonds or notes issued under the provisions of chapter two hundred and forty-four of the acts of nineteen hundred and eighty-four may be issued together with bonds or notes issued under the provisions of chapter one hundred and thirty-five of the acts of nineteen hundred and eighty-seven and all such bonds or notes may bear on their face the words Norfolk County Hospital Loan, Acts of 1984 and 1987.

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

Approved May 31, 1988.

Chapter 47. 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 Christopher S. Look, Jr., the sheriff of the county of Dukes County, in the town of Edgartown on June eighteenth, nineteen hundred and eighty-eight between Janet Merrian Sarcia and James Lee Silcox both of the town of Braintree, and the state secretary shall issue to said Christopher S. Look, Jr. a certificate of such authorization.

Approved May 31, 1988.

Chapter 48. 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 or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable Arthur Sherman, as he is a justice of the district court department of the trial court of the commonwealth, in the city of Boston on June twenty-fifth, nineteen hundred and eighty-eight between Mei See Law of the city of Boston and Thomas Andrew Sandson of said city of Boston, and the state secretary shall issue to said Arthur Sherman in his capacity as aforesaid a certificate of such authorization.

Approved May 31, 1988.

Chapter 49. 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 by the legislature, 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 two of chapter six hundred and seventy of the acts of nineteen hundred and eighty-seven providing for a capital outlay program for energy related purposes 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 three years after the date of debt represented by the date that renewable notes were originally incurred, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 three of chapter six hundred and seventy of the acts of nineteen hundred and eighty-seven providing for a capital outlay program for energy related purposes 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 eleven, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 five of chapter seven hundred and forty-six of the acts of nineteen hundred and eighty-seven providing for a program of school building assistance 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 April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section six

of chapter seven hundred and forty-six of the acts of nineteen hundred and eighty-seven providing for a program of school building assistance 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 April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eight of chapter seven hundred and seventy-two of the acts of nineteen hundred and eighty-seven providing for the development of a public track facility shall be issued for terms not to exceed twenty years, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 notes which the state treasurer is authorized to issue under section five of chapter eight of the acts of nineteen hundred and eighty-eight providing for grants to the city of North Adams for the construction of a museum of contemporary art shall be issued and may be renewed one or more times for terms not exceeding one year, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 7. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section four of chapter eight of the acts of nineteen hundred and eighty-eight providing for grants to the city of North Adams for the construction of a museum of contemporary art shall be issued for terms not to exceed twenty years as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 notes which the state treasurer is authorized to issue under section twelve of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the construction of highway facilities and town and county ways 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 one, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 ten of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for a program for the construction of highway facilities 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 thirteen, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 bonds which the state treasurer is authorized to issue under section eleven of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the construction of town and county ways 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 thirteen, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 fourteen of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the purchase of heavy maintenance fleet equipment and the painting of bridges 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 one, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 eighteen of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the purchase of vehicles and equipment shall be issued for terms not to exceed five years; provided, however, that all such bonds shall be payable not later than June thirtieth, nineteen hundred and ninety-six as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 of chapter fifteen of the acts of nineteen hundred and eighty-eight providing funds for an intercity bus program 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 one, as

recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 section twenty-three of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the functional replacement of the Armed Services YMCA 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 one as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight 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 twenty-two of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the functional replacement of the Armed Services YMCA 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 thirteen, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 16. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-five of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for certain airport systems, navigational systems and other purposes 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 thirteen, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 17. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-seven of chapter fifteen of the acts of nineteen hundred and eighty-eight providing funds for rail transportation 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 thirteen, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 18. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section thirty of chapter fifteen of the acts of nineteen hundred and eighty-eight providing funds for regional transit authorities 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 one as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 19. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-nine of chapter fifteen of the acts of nineteen hundred and eighty-eight providing funds for regional transit authorities 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 thirteen, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 20. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section forty-seven B of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the purchase of an emergency response vehicle and related equipment 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 one, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 21. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section forty-seven A of chapter fifteen of the acts of nineteen hundred and eighty-eight providing for the purchase of an emergency response vehicle and related equipment 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 one, as recommended by the governor in a message to the general court dated April sixth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved May 31, 1988.

Chapter 50. AN ACT VALIDATING ACTION TAKEN BY THE TOWN OF HARDWICK IN APPROVING THE ORGANIZATION OF THE QUABBIN REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the action taken by vote of the town of Hardwick at the special town meeting held on February second, nineteen hundred and sixty-three in approving the organization of the Quabbin Regional School District is hereby ratified, validated and confirmed notwithstanding the failure to take such vote by written ballot at said town meeting as required by section fifteen of chapter seventy-one of the General Laws.

Approved May 31, 1988.

Chapter 51. AN ACT AUTHORIZING THE TOWN OF PLAINVILLE TO RECALL ELECTED OFFICIALS.

Be it enacted, etc., as follows:

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

SECTION 2. Any qualified voter of the town of Plainville 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; they shall be dated and addressed to the selectmen of said town; shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, 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. The recall petition shall be returned and filed with said town clerk on or before the first workday following twenty days after the filing of the affidavit. Said petition before being returned and filed, shall be signed by ten per cent of the registered voters in said town 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 three o'clock post meridian of the Monday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters 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 board of selectmen without delay and said board shall forthwith give written notice to the officer against whom recall is sought of the receipt of said certificate and shall, if the officer does not resign within fivedays thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred days after the date of said certificate, the board of selectmen may, in its 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 recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

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

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

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the 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. 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 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 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. This section, however, shall not preclude any person from running for elected office within said town.

SECTION 9. This act shall be submitted for acceptance to the voters of the town of Plainville at its next annual town meeting 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 meeting:

"Shall an act passed by the general court in the year nineteen hundred and eighty-eight, entitled 'An Act authorizing the town of Plainville to recall elected officials' be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect but not otherwise. At any time except as herein provided after the expiration of six years from the date on which this act is accepted, and not less than ninety days before the date of an annual town election, a petition signed by not less than fifteen per cent of the registered voters of the town may be filed with the board of selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the board of selectmen shall cause to be printed on the official ballot to be used for the election of town officers at the annual town election next following the filing of such a petition the following question: "Shall the acceptance by the town of Plainville of an act passed by the general court in the year nineteen hundred and eighty-eight, entitled 'An Act authorizing the town of Plainville to recall elected officials' be revoked?" If a majority of the votes in answer to said question is in the affirmative, the acceptance of this act shall be revoked and it shall become null and void beginning with the first day of the month next following such revocation. A petition to revoke the acceptance of this act shall not be filed more often than once in every three years.

Approved May 31, 1988.

Chapter 52. AN ACT AUTHORIZING THE TOWN OF ASHLAND TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

The town of Ashland is hereby authorized to convey a certain parcel of land acquired for water supply purposes to the Richmond Development

Corporation. Said parcel is bounded and described as follows:-

A certain parcel of land situated in Ashland, Middlesex County, Massachusetts, being the easterly portion of property shown on a Plan entitled, "Ashland Water Works, Ashland, Massachusetts, Plan of Land to be taken for Water Supply Purposes Dated January, 1912." Said Plan is recorded in Plan Book 119, Plan 25, South Middlesex Registry of Deeds.

Beginning at the most northeasterly corner of the premises at Land formerly owned by Farwell and Vose, now or formerly of the Trustees of Blueberry Hill Realty; thence

Southerly 830 feet more or less to a point: thence S08° - 54' E 421.0 feet more or less to a point; thence S04° - 50' W 58.3 feet more or less to a point:

Said last three (3) courses being by Land now or formerly of the Trustees of Blueberry Hill Realty Trust; thence

Northerly and 200 feet westerly of, and parallel to the first described line, 1,344 feet more or less, by other Land of the Town of Ashland to a point at Land now or formerly of the Trustees of Blueberry Hill Realty Trust; thence

Easterly 215 feet more or less by Land of said Trustees to the point beginning.

Approved May 31, 1988.

EMERGENCY LETTER: May 31, 1988 @ 4:50 P.M.

Chapter 53. AN ACT RELATIVE TO THE ORDER IN WHICH CANDIDATES SHALL APPEAR ON ELECTION BALLOTS IN THE TOWN OF BILLERICA.

Be it enacted, etc., as follows:

Article 6 of the charter of the town of Billerica, a certificate 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 6-2 and inserting in place thereof the following section:-

Section 6-2. The order in which names of candidates appear on election ballots for any office, including that of town meeting member, shall be determined by a drawing by lot conducted by the town clerk which shall be open to the public. Notification to the candidates and to the public shall be by publication in a local newspaper during the week preceding the week in which the day of the drawing is to take place. The drawing shall be conducted by the town clerk or the assistant town clerk, beginning not earlier than six o'clock in the afternoon of the day following the last day for candidates to withdraw their nomination papers and continuing until such time as all ballot positions have been determined.

Approved May 31, 1988.

Chapter 54. **AN ACT DESIGNATING A PORTION OF INTERSTATE HIGHWAY ROUTE 495 AS THE KOREAN WAR VETERANS HIGHWAY.**

Be it enacted, etc., as follows:

That portion of interstate highway Route 495, from the junction of interstate 95 in the town of Foxborough and thence running southeasterly to the junction of state highway Route 24 near the Raynham-Bridgewater town line shall be designated and known as the Korean War Veterans Highway in tribute to the men and women who have served in the Armed Forces of the United States of America during the Korean War. The department of public works shall erect and maintain suitable markers along said highway bearing said designation, in compliance with the standards of said department and as authorized by the federal highway administration.

Approved May 31, 1988.

Chapter 55. **AN ACT AUTHORIZING THE TOWNS OF BELLINGHAM AND BLACKSTONE TO CONTRACT WITH THE CITY OF WOONSOCKET, RHODE ISLAND TO PARTICIPATE IN THE WOONSOCKET REGIONAL WASTEWATER SYSTEM INDUSTRIAL PRETREATMENT PROGRAM.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the towns of Bellingham and Blackstone to enter into a contract with the city of Woonsocket, Rhode Island, 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 towns of Bellingham and Blackstone are hereby authorized to enter into a contract with the city of Woonsocket in the state of Rhode Island for the treatment and disposal of all or a portion of the non-domestic sewage from the towns of Bellingham and Blackstone by means of their participation in the Woonsocket regional wastewater system industrial pretreatment program administered by said city of Woonsocket.

SECTION 2. No contract authorized by section one of this act shall become effective until the terms thereof are approved as reasonable by the emergency finance board as provided in section four of chapter forty of the General Laws. In addition, for the purpose of paying capital costs, including lump-sum payments to any city or town, incurred or required to be paid under any such contract said towns of Bellingham and Blackstone may incur debt as provided in clause (15) of section eight of chapter forty-four of the General Laws.

SECTION 3. The towns of Bellingham and Blackstone are hereby authorized to promulgate, amend and revise from time to time, local sewer use by-laws, or rules and regulations, to conform said sewer use by-laws, or rules and regulations with the treatment standards and permit requirements and procedures in effect in the Woonsocket regional wastewater system industrial pretreatment program; provided, however, that nothing in this act shall be construed to limit the authority provided in this section, or the validity of any by-law, or rule or regulation adopted pursuant hereto, to the existence of or terms of any such contract.

SECTION 4. The towns of Bellingham and Blackstone are hereby authorized to enforce such industrial pretreatment sewer use by-laws, or rules and regulations against the users located within their respective towns. The enforcement authority of the towns of Bellingham and Blackstone shall include, but not be limited to the right to seek legal, equitable and injunctive relief in federal and state courts; the right to hold any industrial user liable for any damages caused by noncompliance and for the reasonable attorney fees of said towns seeking compliance, penalties or damages; the imposition of civil penalties of five thousand dollars per day for each day of noncompliance with any such by-law, rule or regulation; the imposition of criminal penalties against any person found guilty of violating, willfully or with criminal negligence, any such sewer use by-law, rule or regulation, or any permit or order issued by said towns pursuant thereto, by a fine of not more than ten thousand dollars or by imprisonment for not more than thirty days, or by both such fine or imprisonment; and every person shall be deemed guilty of a separate and distinct offense for each day during which such violation shall be continued; and the imposition of a criminal fine of not more than five thousand dollars for each instance of violation against any person, who upon conviction, has been found guilty of knowingly making any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under any such sewer use by-law, or rule and regulation, or by any permit or order issued under such sewer use by-law, or rule and regulation; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under such sewer use by-law, or rule and regulation or by any permit, or order issued under such sewer use by-law, or rule and regulation.

SECTION 5. The towns of Bellingham and Blackstone shall have authority to designate and employ any qualified person needed to perform the inspection, monitoring, and enforcement duties required by said towns' participation in the Woonsocket regional wastewater system industrial pretreatment program.

SECTION 6. No contract authorized by section one, or any other action taken by the towns of Bellingham and Blackstone pursuant to their participation in the Woonsocket regional wastewater system industrial pretreatment program, shall be contrary to, or inconsistent with, any

relevant statue or rule and regulation of the commonwealth, including but not limited to, sections twenty-six to fifty-three, inclusive, of chapter twenty-one of the General Laws, and 314 CMR 7.00 and 314 CMR 12.00 of the Code of Massachusetts Regulations.

Approved June 1, 1988.

Chapter 56. AN ACT AUTHORIZING THE TOWN OF BARRE TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Barre, a department of public works, hereafter called the department, which shall be under the jurisdiction of a public works commission. Said commission shall be composed of the board of selectmen, the water commissioners and the sewer commissioners. The board of selectmen, water commissioners and sewer commissioners shall continue to be elected in accordance with the General Laws and the by-laws of said town and said board and commissioners shall continue to have all the powers and responsibilities vested by the general or special laws or by town by-law. The department shall have all the powers and duties now vested in or exercised by any of the following departments: the highway department, water department, sewer department and the parks and recreational department.

SECTION 2. The public works commission shall appoint a superintendent of public works who shall exercise and perform the duties as directed by said commission. The superintendent shall supervise and direct the operation of the department. All present employees of any of the departments listed in section one shall be transferred to the department, continue to serve and retain all rights and benefits entitled to as of the effective date of this act. Said commission shall recommend to the personnel board a rate of compensation which shall be funded at the annual town meeting.

The superintendent of public works shall be qualified by education, training and experience to perform the duties of said position and shall supervise all employees of the department as determined from time to time by said commission.

The superintendent shall be removed for just cause only and by a majority vote of the whole commission. The superintendent shall be given written notice at least twenty-one days prior to the date of such removal which will state the reason for such removal, and, at the superintendent's request, a public hearing shall be held on the charges brought against the superintendent, prior to the removal. The superintendent shall hold no other elected or appointed office or engage in any business that said commission would deem to constitute a conflict of interest. The superintendent, with the approval of a majority of said commission and the personnel board, shall hire such employees as are

required to perform the duties as directed. The superintendent shall submit to said commission, as often as they may require, a full report of all the operations under the superintendent's responsibility and as required by said commission, prepare a summary of said reports for publication. The superintendent shall advise said commission as to the requirements of the town within the scope of said department and shall, upon the request of said commission, prepare in writing, a detailed estimate of the funds required during the upcoming fiscal year to properly perform the duties of said department.

SECTION 3. This act shall be submitted to the voters of the town of Barre at the annual town meeting to be held in nineteen hundred and eighty-eight, or at a special town meeting in the form of the following question which shall be placed on the warrant of said town meeting in the following manner: "Shall an act passed by the General Court in the year nineteen hundred and eighty-eight, entitled: 'An Act authorizing the town of Barre to establish a Department of Public Works', be accepted?" If a majority of the votes in answer to such question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved June 1, 1988.

Chapter 57. AN ACT RELATIVE TO THE ESTABLISHMENT AND AUTHORITY OF THE UXBRIDGE RECREATION COMMISSION IN THE TOWN OF UXBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-three of the acts of nineteen hundred and thirty-eight is hereby repealed.

SECTION 2. There is hereby established in the town of Uxbridge an unpaid commission, to be known as the Uxbridge recreation commission. Said commission shall consist of nine members who shall be residents of said town and shall be appointed and may, for cause, be removed by the board of selectmen of said town. In the original appointments of the members, three shall be appointed for the term of one year, three shall be appointed for two years, three shall be appointed for terms of three years each, and thereafter, as the term of office of a member expires, his successor shall be appointed in like manner for the term of three years. Said commission shall elect from its membership a chairman and a secretary. Vacancies in the commission, caused otherwise than by expiration of term of service, shall be filled for the balance of the unexpired term in like manner as in the case of original appointments.

SECTION 3. Said commission shall assume administration of the land owned by the town of Uxbridge located at Capron street in said town, and formerly known as the Uxbridge Fairground; and athletic fields and

tennis courts on Oak street, excepting so much of said land as being used by the town high school, and the Taft school, as shown on the plans filed with the town clerk of said town; and the land known as the Hecla street field as shown on plans filed with the town clerk of said town. Said commission may hold, manage, develop, control, lease and let the same for the purposes of all amateur and professional athletics, recreation, play, sports, physical education, celebrations, exhibitions, and entertainment, except that no town funded organizations shall be charged for use of the same. Said commission may make rules and regulations governing said athletic fields and may charge admission to the same. Said commission may recommend to the appropriate town departments that funds be expended for the construction, alteration, and enlargement of the buildings and other structures thereon, proper maintenance, improvements of the grounds, and acquisition of equipment.

SECTION 4. Said town may annually appropriate money to the use of said commission for the following uses and purposes, namely, the support and encouragement of athletics, recreation, play, sports, physical education, celebrations, exhibitions, and entertainment.

SECTION 5. All revenue received by said commission from said athletic fields shall be paid into the treasury of said town.

SECTION 6. All gifts, donations, bequests, and devises made to said town for the maintenance, management and development of said athletic fields shall be accepted in behalf of said town by said commission. Such funds so derived and accepted by said commission shall be held in a separate account by the treasurer of said town and be available and used by said commission shall not be diverted or used by said town for any other purpose or purposes. Said commission is further authorized to accept federal or state aid programs for said town.

SECTION 7. Additional fields and facilities may be placed under the management of said commission by majority vote of the board of selectmen.

SECTION 8. This act shall take effect upon its acceptance by a majority of the voters of the town of Uxbridge present and voting thereon at a town meeting within three years after its passage.

Approved June 1, 1988.

Chapter 58. AN ACT FURTHER REGULATING TRAFFIC CONTROL ON STATE HIGHWAYS.

Be it enacted, etc., as follows:

Section 2 of chapter 85 of the General Laws, as amended by section 2 of chapter 741 of the acts of 1987, is hereby further amended by

inserting after the fifth sentence the following sentence:- Except as otherwise provided in section two E, any rule, regulation, order, ordinance or by law which excludes motor vehicles from state highways shall be invalid and of no effect.

Approved June 1, 1988.

Chapter 59. AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF LUDLOW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 336 of the acts of 1929 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Upon the acceptance of this act by the town of Ludlow, as hereinafter provided, the selectmen shall forthwith divide the territory thereof into three voting precincts, each of which shall be plainly designated and shall contain not less than five hundred inhabitants. All precincts shall contain approximately an equal number of inhabitants. The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well defined limits. The boundaries of such precincts shall be reviewed and, if need be, such precincts shall be wholly or partly revised by the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting not later than November thirtieth of that year; and in the course of any such revision the number of such precincts may be changed, but shall never be less than three nor more than five. The selectmen shall, within twenty days after any establishment or revision of the precincts, but not later than January twentieth of the succeeding year, file a report of their doings with the town clerk, the registrars of voters and the assessors of taxes with a map or maps or description of the precincts and the names and residences of the inhabitants therein. The selectmen shall also cause to be posted in the town office a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the inhabitants therein; and it shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the inhabitants therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the

town as the selectmen shall in the warrant for such meeting direct. The provisions of the General Laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

SECTION 2. Section 4 of said chapter 336 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 754 of the acts of 1977, 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, which shall bear no political designations, and shall be signed by at least ten inhabitants of the precinct in which the candidate resides, and filed with the town clerk on or before the last date for filing nomination papers for other town offices; provided that any incumbent town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for filing nomination papers.

Approved June 1, 1988.

Chapter 60. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF FREETOWN AS THE FREETOWN FIRE-FIGHTERS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on Chase road over state highway Route 140 in the town of Freetown shall be designated and known as the Freetown Firefighters Memorial bridge, in memory of the deceased firefighters of the town of Freetown. The department of public works shall erect suitable markers bearing such designation in compliance with the standards of said department.

Approved June 1, 1988.

Chapter 61. AN ACT AUTHORIZING THE CITY OF BOSTON TO GRANT A PENSION TO THE WIDOW OF THOMAS J. GILL.

Be it enacted, etc., as follows:

SECTION 1. The retirement board of the city of Boston is hereby authorized to grant a pension to the widow of Thomas J. Gill pursuant to the provisions of section one hundred of chapter thirty-two of the General Laws.

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

Approved June 9, 1988.

Chapter 62. AN ACT RELATIVE TO THE ISSUANCE OF CERTAIN BONDS BY THE TOWN OF HINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Any indebtedness incurred by the town of Hingham for converting the Hingham Municipal Lighting Plant's power distribution system to a higher voltage, including but not limited to the three million dollar electric bonds approved under Article 13 of the warrant for the nineteen hundred and eighty-seven annual town meeting and the eight hundred thousand dollar electric bonds approved under Article 74 of the warrant for the nineteen hundred and eighty-six annual town meeting, shall be subject to the applicable provisions of chapter forty-four of the General Laws, except that (1) bonds or notes issued by the town for this purpose shall be payable within twenty years from their dates and (2) the maturities of those bonds or notes shall be arranged so that for each issue the combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

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

Approved June 9, 1988.

Chapter 63. 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 Ruth Abrams, as she is a justice of the supreme judicial court of the commonwealth, in the city of Boston on June tenth, nineteen hundred and eighty-eight between Charles McHugh LaFollette of Washington, D.C. and Vesna Karaklajic of the city of Cambridge and the state secretary shall issue to said Ruth Abrams in her capacity as aforesaid a certificate of such authorization.

Approved June 9, 1988.

Chapter 64. 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 most recently amended by chapter 66 of the acts of 1987, 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-nine.

Approved June 9, 1988.

Chapter 65. AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC SAFETY TO MAKE CERTAIN APPOINTMENTS TO THE 69TH TRAINING CLASS OF THE MASSACHUSETTS STATE POLICE.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule to the contrary, the commissioner of public safety is hereby authorized to enlist, appoint and select for the purpose of training in preparation for appointment, as a member of the state police force, a candidate who has successfully passed the oral board phase of the examination process and became thirty years of age following the passing of said oral board, provided said applicant has successfully passed all phases of the examination process and such selection is made within one hundred and twenty days of the applicant's thirtieth birthday.

This act shall only apply to selections made for the sixty-ninth training class of the state police.

Approved June 9, 1988.

EMERGENCY LETTER: June 9, 1988 @ 4:20 P.M.

Chapter 66. 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 William Franklin Eldridge, Jr., an assistant clerk of the Barnstable division of the district court department of the trial court of the commonwealth in the town of Barnstable on June nineteenth, nineteen hundred and eighty-eight between Stephanie Elaine Silvia of said town of Barnstable and Rodney Allen Harnois of said town of Barnstable, and the state secretary shall issue to said William Franklin Eldridge, Jr. in his capacity as aforesaid a certificate of such authorization.

Approved June 13, 1988.

Chapter 67. AN ACT DIRECTING THE STATE RETIREMENT BOARD TO GRANT A CERTAIN PENSION TO JOSEPH E. McCAIN, JR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the state retirement board is hereby authorized and directed to retire Joseph E. McCain, Jr., a police officer of the metropolitan district commission police who, as a result of gunshot wounds and other injuries sustained while in the performance of his duties on January twenty-ninth, nineteen hundred and eighty-eight, is totally and permanently incapacitated for further service as a police officer, at a yearly amount of pension equal to the regular rate of compensation he would have been entitled to receive had he continued in service as a metropolitan district commission police officer at the grade held by him at the time of his retirement.

Said retirement shall become effective as of the date following the last day on which he is entitled to receive regular compensation.

SECTION 2. Upon the death of Joseph E. McCain, Jr., if Helen McCain his wife survives him, the state retirement board is authorized and directed to pay to her so long as she remains unmarried an annuity in the amount of three-fourths of the pension payable to him at the time of his death.

SECTION 3. Upon the retirement of Joseph E. McCain, Jr., the state retirement board shall forthwith pay him all amounts standing to his credit in the annuity savings fund of the state retirement system.

SECTION 4. The provisions of section one hundred of chapter

forty-one of the General Laws shall continue to apply to said Joseph E. McCain, Jr. relative to his receiving such indemnification by said commission for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of the aforementioned incapacity.

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

Approved June 14, 1988.
EMERGENCY LETTER: June 15, 1988 @ 5:01 P.M.

Chapter 68. AN ACT ESTABLISHING AN ARCHIVES AND RECORDS ADVISORY COMMISSION AND AN ARCHIVES AND RECORDS MANAGEMENT DIVISION IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Boston an archives and records advisory commission hereinafter called the commission.

The commission shall consist of the city clerk who shall serve as its chairman, the city registrar, the corporation counsel, the director of the public library, the director of the office of arts and humanities, and the director of administrative services, ex-officio, or their respective designees, and three persons to be appointed by the mayor. The appointed members of the commission shall serve for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected. In making such appointments, the mayor shall give preference to those persons associated with or representative of public or private institutions concerned with the care, custody or use of archival materials.

All members of the commission shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. They shall be deemed special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

SECTION 2. There shall be within the office of the city clerk the archives and records management division. Said division shall establish and maintain a program for the administration and preservation of the records of the city of Boston under the provisions of chapter sixty-six of the General Laws. Said division's program shall be subject to the approval of the commission.

Said division shall be supervised by a professional archivist who shall be appointed by the city clerk, subject to the approval of the commission. The archivist shall perform the duties required by law, and with the assistance of the city clerk, city registrar, departmental custodians, and the commission, shall execute the responsibilities of chief records officer of the inactive records of the city.

The city clerk may employ within said division, professional and technical experts and such other employees as may be required in the performance of its duties subject to the qualifications set by the commission.

SECTION 3. The commission shall approve, disapprove or modify all plans and schedules prepared by the archivist relative to the retention, disposition and preservation of records.

The commission shall advise in the administration of said division and render annually to the mayor and city council a report regarding the development and status of municipal archives and records management.

The commission shall encourage departmental cooperation with municipal records regulations as provided for by this statute and shall be the final arbiter regarding any matters that may arise between departments and said division.

SECTION 4. Said division shall develop procedures, standards and techniques and promulgate policies in relation to records and archives management; prepare inventories, indexes, guides, and other resource aids to facilitate the use of the public records of the city in its custody; create and implement retention and disposition schedules in compliance with regulations issued under section one of chapter sixty-six of the General Laws; establish procedures for the lawful transfer and disposition of all noncurrent records, including those of semi-active status which must be retained for varying periods of time, but which are not needed frequently for the transaction of current business, and provide a central records center for accepting, storing, retrieving, servicing and protecting such records; appraise and preserve all inactive municipal records for their historical, administrative, legal, fiscal, cultural or other important value; receive, arrange and describe all inactive records which come into the division's possession; establish and operate an archives repository in order to store, secure, process and conserve said records and to make them available for governmental reference and public use; and receive inactive archival records, being those records which have an enduring historical or administrative value from departments, agencies, offices, commissions, boards and public corporations, whether extant or defunct, as well as the records of all officials and agents of the city of Boston when those records are no longer necessary for conducting current business.

SECTION 5. All public records, as defined in section seven of chapter four and section three of chapter sixty-six of the General Laws shall be the property of the city and unless otherwise provided for by law, shall be kept in the custody of the sole officer in charge of a department or office. All records shall be delivered by outgoing officials and employees to their successors.

Inactive records in the custody of departments may be designated as archival records by the archivist subject to the approval of the city clerk and the commission. Such records shall, after identification and appraisal by the archivist to determine their value, be transferred to the

city's archival repository where they shall be processed, conserved and made available for reference.

SECTION 6. The officer in charge of any city department, agency, board, office, commission or public corporation shall make and preserve public records containing proper documentation of its organization, functions, policies, and procedures; establish and maintain effective controls over the creation, maintenance and use of records and guard against the loss or the unauthorized or unlawful removal of city records; apply the provisions of approved records retention schedules to execute the orderly disposition of records including transfer to the city's central records center or archives repository of noncurrent or inactive records; appoint a clerk as provided in section six of chapter sixty-six of the General Laws who shall act as a liaison between the agency and said division on all matters relating to the department's records and record-keeping practices.

SECTION 7. No records shall be destroyed or otherwise disposed of by any department, agency, office, commission, board or public corporation until they have been reviewed by the archivist and written approval has been obtained from the city clerk and the corporation counsel, subject to the approval of the supervisor of public records.

The city clerk and the corporation counsel shall base their determinations on the potential administrative, fiscal, legal, research or historical values of the record and the applicable laws of the commonwealth, ordinances of the city, and record retention schedules promulgated by said division.

Requests to dispose of records shall be accompanied by a description of the records by series, inclusive dates, quantities and with reference to approved state and city retention schedules and shall include notification of time, place and method of disposal.

Upon disposal of the records, the department, agency, office, commission, board or public corporation which requested the disposal shall submit to the archivist a certificate of disposal listing the records and certifying to their disposal. Said division shall insure the proper destruction of all disposable records, in accordance with the preceding provisions, within ninety days of the date of eligibility.

Records designated as archival shall be retained for historical or research purposes and shall be transferred to the municipal archives for permanent custody.

SECTION 8. Said division shall seek the return of public records of the city which have been alienated from its possession or provide for the reproduction of alienated records, or provide information concerning the location of these records, if they have been maintained in a safe and usable manner and are available for public use.

Upon the request of the city clerk and the commission, the corporation counsel may take action to recover any municipal records, artifacts or documents deemed to have historical significance which were previously sold, transferred, loaned or otherwise removed from the city without

proper authorization.

Approved June 15, 1988.

Chapter 69. AN ACT FURTHER REGULATING THE PRACTICE OF OPTOMETRY.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 73B, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 73B. No person shall practice optometry on premises not separate from premises whereon eyeglasses, lenses or eyeglass frames are sold by any other person; nor shall any person practice optometry under any lease, contract or other arrangement whereby any person, not duly authorized to practice optometry, shares, directly or indirectly, in any fees received in connection with said practice of optometry. For the purposes of this section, any room, suite of rooms or area in which optometry is practiced shall be considered separate premises if either (a) it has a separate and direct entrance from a street, public corridor or area available to the public, whether or not it has an entrance from any other room or area in the same building; or (b) (i) the space is definite and distinct from space occupied by other occupants of the premises, (ii) all signs and displays concerning the optometric office are separate and distinct from that of the other occupants of the premises and have the name of the doctor of optometry and the words "doctor of optometry" prominently displayed in connection therewith, and (iii) a written notice, of a size and type reasonably expected to attract the attention of the public, shall be put in a conspicuous place where the public will be exposed to it, prior to or upon entrance thereto, which states that the doctor of optometry is independent from other occupants of the premises and identifies the location of the optometric office, if such office is not clearly visible by the public from such entrance.

Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not more than six months, or both.

Approved June 15, 1988.

Chapter 70. AN ACT EXEMPTING THE TOWN OF ROCHESTER FROM ALTERNATE COMPETITIVE BIDDING PROCEDURES IN PROCURING A MODULAR BUILDING FOR USE AS CLASSROOMS BY THE SCHOOL DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Rochester is hereby authorized to procure, in accordance with the provisions of this act, not more than one modular building of less than two thousand square feet, for use as classrooms.

As used in this act, the term "modular building" shall mean a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor and a roof, designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation.

As used in this act, the term "procurement" shall mean buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building including a description of requirements, selection and solicitation of sources, preparation and award of the contract and all phases of contract administration.

The provisions of sections twenty-six to twenty-seven D, inclusive, of chapter one hundred and forty-nine shall apply to any and all construction done on the job site. The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven and sections forty-four A, forty-four B and sections forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to contracts procured pursuant to this act.

A contract awarded pursuant to this act which is for an amount, or estimated amount greater than sixty thousand dollars shall be subject to the provisions of section thirty-nine R of chapter thirty of the General Laws.

The town of Rochester shall procure the modular building authorized by this act by using competitive sealed proposals.

The request for proposals shall include: the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the purchasing agent; the purchase description and all evaluation criteria that will be utilized; and all contractual terms and conditions applicable to the procurement, provided, however, that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular building.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain the documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The town of Rochester shall make copies of the request for proposals available to all persons on an equal basis.

Every proposal shall be accompanied by either (1) a copy of a certificate of eligibility issued by the deputy commissioner pursuant to section forty-four D of chapter one hundred and forty-nine of the General Laws for the fabrication of modular buildings, together with an update statement or (2) a prequalification statement containing such

information as the purchasing agent for the town of Rochester, in consultation with the deputy commissioner, shall prescribe. If the deputy commissioner determines that any offeror is not responsible or eligible, the purchasing agent shall reject such offer in writing.

Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the secretary of state, and in such other newspapers and trade periodicals as the town of Rochester customarily utilizes for the advertisement of construction contracts.

The proposals shall not be opened publicly, but shall be opened in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provision of section seven of chapter four of the General Laws, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals, the purchasing agent for the town of Rochester shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The purchasing agent may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The purchasing agent shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing: for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for the rating; a composite rating for each proposal, and the reasons for the rating; and revisions, if any, to each proposed plan for providing the modular building which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The purchasing agent shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time set forth for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the town of Rochester or fair competition. The purchasing agent shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the purchasing agent shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing.

and the offeror may not withdraw the offer. The purchasing agent may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

The purchasing agent shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The purchasing agent shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The purchasing agent may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract.

If the purchasing agent awards the contract to an offeror who did not submit the lowest price, the purchasing agent shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the town of Rochester's actual needs or that the anticipated performance of the selected offeror justifies the additional cost.

Prior to execution of the contract, the selected offeror shall furnish to the purchasing agent a performance bond satisfactory to the purchasing agent in the sum of fifty per cent of the contract price.

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

Approved June 20, 1988.

Chapter 71. AN ACT ALLOWING ONE ABSENTEE BALLOT APPLICATION FOR ALL ELECTIONS OCCURRING WITHIN THE CALENDAR YEAR.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section 89 of chapter 54 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- Said application may request an absent voting ballot for each regular or special primary and regular or special election which occurs within the calendar year in which the application is received by the city or town clerk.

SECTION 2. Section 103C of said chapter 54, as so appearing, is hereby amended by adding the following sentence:- Said application may request an absent voting ballot for each regular or special primary and regular or special election which occurs within the calendar year in which the application is received by the city or town clerk.

Approved June 20, 1988.

EMERGENCY LETTER: June 22, 1988 @ 4:57 P.M.

Chapter 72. AN ACT RELATIVE TO THE TIME OF QUALIFICATION OF CERTAIN MUNICIPAL BALLOT QUESTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 39 of chapter 43 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) the city clerk shall call a special election to be held on a Tuesday fixed by said clerk not less than thirty nor more than forty-five days after the date of qualification, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election; provided, however, that if any city election is otherwise to occur within ninety days after the date of qualification, the city clerk may, at his discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

SECTION 2. Section 40 of said chapter 43, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- If an initiative petition is signed by registered voters equal in number to at least eight per cent but less than fifteen per cent of the total number of registered voters, and said measure is not passed without alteration within twenty days by the city council or the school committee, as provided in the preceding section, such proposed measure, without alteration, shall be submitted by the city clerk to a vote of the registered voters of the city at the next regular municipal election which occurs at least thirty days after the date of qualification. As used in this section and section thirty-nine, "date of qualification" shall mean the twentieth day after the date of the certificate of the registrars, or the day on which the city council or school committee finally decides not to pass the measure without alteration, whichever day occurs first.

SECTION 3. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby amended by inserting after the word "town", in line 6, the words:- no later than the thirtieth day preceding such election,- and by striking out, in line 7, the word "counsel" and inserting in place thereof the word:- council.

Approved June 20, 1988.

Chapter 73. AN ACT FURTHER REGULATING MUNICIPAL FINANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate municipal finance, 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 23 of chapter 59 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:-

In determining the amount of available funds to be deducted under the provisions of clauses (b) and (c), such available funds shall be the amount certified by the director of accounts as available on July the first next preceding the date of the appropriation, reduced by the amount of all intervening appropriations from available funds, and increased by the total of the proceeds from the sale of tax title possessions and the receipts from tax title redemptions, in addition to the real and personal property taxes of prior fiscal years, and such other amounts as the director may authorize, collected between said July first and a date which shall in no event be later than March thirty-first; provided, however, that no increases to the amount of certified available funds shall be allowed unless such increases have received the written approval of the director prior to the appropriation of such amounts. Such amounts of available funds so certified by the director of accounts as available on the July first immediately preceding shall be reported by the town accountant to the board of selectmen, or by the city auditor to the mayor or city manager and to the city council or board of aldermen, and shall be subject to appropriation.

Approved June 22, 1988.

Chapter 74. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO APPOINT JOHN KING A PERMANENT POLICE OFFICER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen of the town of Brookline is hereby authorized to appoint John King as a permanent police officer in said town.

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

Approved June 22, 1988.

Chapter 75. 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 2 of chapter 922 of the acts of 1977 is hereby amended by striking out the first sentence, as amended by section 2 of chapter 127 of the acts of 1986, and inserting in place thereof the following sentence:- For the purpose authorized by section one, the treasurer of said county, with the approval of the county commissioners and the county advisory board, may borrow upon the credit of the county such sums as may be necessary not exceeding, in the aggregate, eight million four hundred and twenty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Norfolk County Agricultural School Loan, Act of 1977.

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

Approved June 22, 1988.

Chapter 76. **AN ACT AUTHORIZING THE TREASURER OF NORFOLK COUNTY TO TRANSFER CERTAIN FUNDS.**

Be it enacted, etc., as follows:

SECTION 1. The treasurer of Norfolk county, with the approval of the advisory board on county expenditures, may transfer all monies remaining in the post-war rehabilitation fund established pursuant to the provisions of chapter five of the acts of nineteen hundred and forty-three to the capital improvement fund of said county to be expended by the county commissioners, with the approval of said advisory board on county expenditures for the purposes authorized in said chapter five.

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

Approved June 22, 1988.

Chapter 77. **AN ACT DESIGNATING THE SARATOGA STREET BRIDGE, SO-CALLED IN THE EAST BOSTON DISTRICT OF THE CITY OF BOSTON AS THE FRANK SCARPA BRIDGE.**

Be it enacted, etc., as follows:

The Saratoga street bridge, so-called, located on Saratoga street, in the Orient Heights section of the East Boston district of the city of Boston, shall be designated and known as the Frank Scarpa bridge, in honor of Frank Scarpa for his dedicated service to the youth of said East Boston district. A suitable marker bearing said designation shall be attached thereto by the department of public works.

Approved June 22, 1988.

Chapter 78. AN ACT AUTHORIZING THE STATE AUDITOR'S OFFICE TO CONDUCT BIENNIAL AUDITS.

Be it enacted, etc., as follows:

SECTION 1. Section 196 of chapter 6 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 20, the word "annual" and inserting in place thereof the word:- biennial.

SECTION 2. Section 20 of chapter 15C of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The Authority shall be subject to biennial audit by the state auditor.

SECTION 3. Section 38 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 4. Section 15 of chapter 23D of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 5. Section 7 of chapter 40H of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 6. Section 9 of chapter 40I of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 7. Section 12 of chapter 40J of the General Laws, as so appearing, is hereby amended by striking out, in line 290, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 8. Section 8 of chapter 40K of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 9. Section 1B of chapter 73 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the word "annual" and inserting in place thereof the word:- biennial.

SECTION 10. Section 10 of said chapter 73, as so appearing, is hereby amended by striking out, in line 5, the word "annually" and inserting in place thereof the word:- biennially.

SECTION 11. Section 42H of chapter 74 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "annually" and inserting in place thereof the word:- biennially.

SECTION 12. Section 46B of said chapter 74, as so appearing, is hereby amended by striking out, in line 29, the word "annual" and inserting in place thereof the word:- biennial.

SECTION 13. Section 4 of chapter 75A of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "annually" and inserting in place thereof the word:- biennially.

SECTION 14. Section 22 of said chapter 75A, as so appearing, is hereby amended by striking out, in line 29, the word "annual" and inserting in place thereof the word:- biennial.

SECTION 15. Section 4 of chapter 75B of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "annually" and inserting in place thereof the word:- biennially.

SECTION 16. Section 113 of chapter 128 of the General Laws, as so appearing, is hereby amended by striking out, in line 37, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 17. Section 65 of chapter 152 of the General Laws, as amended by section 15 of chapter 691 of the acts of 1987, is hereby further amended by striking out, in line 166, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 18. Section 17 of chapter 161A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 1, the word "annually" and inserting in place thereof the word:- biennially.

SECTION 19. Section 12 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "annually" and inserting in place thereof the word:- biennially.

SECTION 20. Section 11 of chapter 221A of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 21. Section 41 of chapter 190 of the acts of 1982 is hereby amended by striking out, in line 2, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 22. Section 7 of chapter 560 of the acts of 1982 is hereby amended by striking out, in line 2, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 23. The second paragraph of subsection (o) of section 1 of chapter 240 of the acts of 1984 is hereby amended by striking out, in lines 9 and 10, the words "an annual" and inserting in place thereof the words:- a biennial.

SECTION 24. Chapter 763 of the acts of 1985 is hereby amended by striking out, in line 64, the words "an annual" and inserting in place thereof the words:- a biennial.

Approved June 22, 1988.

Chapter 79. AN ACT FURTHER REGULATING VOTER REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 51 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:- Every citizen eighteen years of age or older, not being a person under guardianship and not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who is a resident in the city or town where he claims the right to vote at the time he registers, and who has complied with the requirements of this chapter, may have his name entered on the list of voters in such city or town, and may vote therein in any such election, or except insofar as restricted in any town in which a representative town meeting form of government has been established, in any meeting held for the transaction of town affairs.

SECTION 2. Said chapter 51 is hereby further amended by striking out section 1A.

SECTION 3. Said chapter 51 is hereby further amended by striking out section 1E.

SECTION 4. Said chapter 51 is hereby further amended by striking out section 1F, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 1F. A person who resides in the commonwealth and in the city or town where he claims the right to vote in an election at which electors of president and vice-president are to be chosen, but whose name is not included in the current annual register of voters of the city or town where he claims the right to vote, may qualify for voting only for such electors upon application to the registrars of voters of said city or town, not later than ten o'clock post meridian of the twenty-eighth day preceding such election. Any form of written communication containing the name, age, citizenship, former residence and present residence of such person shall cause the registrars to make an investigation relative to the qualifications of such person to vote and, for the purpose of such investigation, the officer in charge of the police force of each city and town shall give the registrars such assistance as they may require. Upon determining that such person is qualified to vote under the provisions of this section, the registrars shall forward

an absentee ballot to him and shall include his name on a list of persons qualified under this section which shall be sent to the city or town clerk. The provisions of sections ninety-four to ninety-six, inclusive, of chapter fifty-four shall apply to such ballots.

SECTION 5. Section 3 of said chapter 51, as so appearing, is hereby amended by striking out the sixth sentence.

SECTION 6. Said chapter 51 is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section:-

Section 12. In every place where voters are registered, and where oaths under section eight are administered, the registrars shall post in a conspicuous place a copy of sections seven and nine of chapter fifty-six, printed on white paper with black ink, in type not less than one-quarter of an inch wide. The provisions of this section shall not apply in the case of registrations under section forty-two A.

SECTION 7. Said chapter 51 is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section:-

Section 26. The registrars, for the purpose of registering voters, in the manner hereinafter provided, shall hold such day and evening sessions as the town by by-law or the city by ordinance shall prescribe and such other sessions at locations that they deem effective for the purpose of registering voters, and they may, for such purposes, use mobile registration units; but, except as provided in sections thirty-four and fifty, there shall be no registration of voters between ten o'clock in the evening on the twenty-eighth day preceding, and the day following, the biennial state primary, the presidential primary and the biennial state election, nor in any city between ten o'clock in the evening on the twentieth day preceding and the day following a city election, or city primary or preliminary election, nor in any town between ten o'clock in the evening on the twentieth day preceding and the day following the annual town meeting notwithstanding any contrary provisions in any special law. In any city or town in which the annual city or town election is held on the first Monday in March, in a year when the presidential primary is held, the registration sessions held by the election commissioners or registrars of voters in preparation for the city or town election shall also serve as registration sessions for the primary. If any person applies for registration during a period prior to a regular or special preliminary, primary or election when registration to qualify as a voter in such preliminary, primary or election is prohibited by the provisions of this section, such person, if otherwise qualified, shall be registered and his name shall be placed on the voting lists as a registered voter for all later preliminaries, primaries or elections.

SECTION 8. Section 32 of said chapter 51, as so appearing, is hereby amended by striking out the last sentence.

SECTION 9. Said chapter 51 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. Any registrar, at such places as may be appointed, and on the day and during hours designated for the purpose, may receive affidavits of registration, but all the actions of one registrar shall be subject to review and acceptance by the board.

In cities, and in towns having six hundred or more registered voters, any person shall be registered, as aforesaid, during regular business hours except during such times as such registration is not permitted by law to be made.

SECTION 10. Section 34 of said chapter 51, as so appearing, is hereby amended by striking out the last sentence.

SECTION 11. Section 38 of said chapter 51, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- They shall revise and correct the current annual register in accordance with any facts they may have presented to them.

SECTION 12. Section 42 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words ", or to qualify under section one A for voting for electors of president and vice-president, as the case may be".

SECTION 13. Said chapter 51 is hereby further amended by striking out section 47A, as so appearing, and inserting in place thereof the following section:-

Section 47A. If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter except that of age, and that such person will on or before the day of the next preliminary, primary, special or general election or town meeting attain full age, they shall enter his name in the current annual register of voters.

SECTION 14. Section 48 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "or certified under section one A to be qualified to vote for electors of president and vice-president, as the case may be,".

SECTION 15. Said chapter 51 is hereby further amended by striking out section 49, as so appearing, and inserting in place thereof the following section:-

Section 49. If a person summoned before the registrars to answer such complaint appears before them, they shall examine him on oath, and shall receive such other evidence which may be offered in regard to the matters set forth in the complaint and, if satisfied that he is properly registered as a qualified voter, they shall enter in the register a statement of their determination of the facts required for registration.

If the registrars are satisfied that he is not a qualified voter, they shall strike his name from the register. If they are satisfied that, although he is a qualified voter in the city or town, he is illegally or incorrectly registered in a ward or voting precinct other than the ward or voting precinct in which he is required by section three to be registered, and have determined the ward or voting precinct in which he is so required to be registered, and his place of residence therein, they shall change his place of residence as given on the register accordingly. If a person duly summoned as aforesaid does not appear as directed in the summons and the complainant produces sufficient testimony to make out a prima facie case, the name of such person shall be struck from the register; but if such person appears before the registrars before the election or town meeting following and shows sufficient cause for his failure earlier to appear, the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

SECTION 16. Said chapter 51 is hereby further amended by striking out section 58A.

SECTION 17. The first paragraph of section 59 of said chapter 51, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words "sections fifty-five or fifty-eight A, as the case may be," and inserting in place thereof the words:- section fifty-five.

SECTION 18. The second paragraph of said section 59 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 21 and 22, the words ", or on his application under section one A, as the case may be".

SECTION 19. Section 60 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "or upon the lists prepared as provided by section fifty-eight A, as the case may be".

SECTION 20. Section 61 of said chapter 51, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 21. Section 11 of chapter 54 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 22. The first paragraph of section 12 of said chapter 54, as so appearing, is hereby amended by striking out the second sentence.

SECTION 23. Section 16 of said chapter 54, as so appearing, is hereby amended by striking out the last paragraph.

SECTION 24. The first paragraph of section 23 of said chapter 54, as so appearing, is hereby amended by striking out the second sentence.

SECTION 25. Section 24 of said chapter 54 is hereby amended by striking out the second sentence, as so appearing.

SECTION 26. The last paragraph of section 42 of said chapter 54, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- On each ballot shall be printed the words "Official Ballot for", followed by the name of the city or town for which the ballot is prepared, together with the ward and precinct of the city or the precinct of the town, if any, the date of the election, and a facsimile of the signature of the officer who has caused the ballot to be prepared. The state secretary shall prepare a sufficient number of ballots for the use of persons qualified under section one F of chapter fifty-one to vote for electors of president and vice president, upon which there shall be so printed the words "Official Presidential Elector Ballot for", followed by the date of the election and a facsimile of the signature of the state secretary.

SECTION 27. Section 49 of said chapter 54, as so appearing, is hereby amended by striking out the last sentence.

SECTION 28. Section 85 of said chapter 54, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 29. The first paragraph of section 105 of said chapter 54, as so appearing, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences:- The election officers shall then publicly and in the presence of the other election officers, audibly and distinctly count and announce the number of names checked on each voting list used at the election, shall publicly announce the number so counted and thereafter the clerk shall record the same. The ballot box shall be opened by the presiding officer and the ballots taken therefrom and audibly counted in public view, one by one, and the whole number of ballots cast shall be publicly announced by him.

SECTION 30. Said section 105 of said chapter 54, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The clerk in open meeting shall publicly announce the result of the vote and enter on the total vote sheet, which shall be considered the precinct record, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes for each person and the title of the office for which he was a candidate, the number of blank ballots for each office, and the number of affirmative and negative votes in answer to any question submitted to the voters and shall forthwith certify such record, seal up the same, and deliver it, outside of the ballot container or envelope, but in a separate sealed envelope, to the city or town clerk, who shall forthwith enter it on his records; provided, that if voting machines are used, the general or precinct record sheet, as the case may be, shall be the record referred to in this paragraph.

Approved June 22, 1988.

Chapter 80. AN ACT DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE IN HONOR OF CHARLES M. STILLER.

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 on the wall outside of the gallery to the house of representatives on the fourth floor of the state house in honor and in memory of Charles M. Stiller commemorating his many years of exemplary service to the commonwealth.

Approved June 22, 1988.

Chapter 81. AN ACT DIRECTING THE SUPERINTENDENT OF STATE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE IN HONOR OF SAMUEL C. ("SAMMY") KOUPCHIK.

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 on the wall across from the legislative document room next to room four hundred and twenty-seven on the fourth floor of the state house in honor and in memory of Samuel C. ("Sammy") Koupchik.

Approved June 22, 1988.

Chapter 82. AN ACT FURTHER REGULATING HEALTH AND WELFARE TRUST FUND AGREEMENTS FOR CERTAIN MUNICIPAL EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 32B of the General Laws is hereby amended by striking out section 15, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 15. No governmental unit may appropriate or expend public funds for the payment of premiums for group life insurance, group accidental death and dismemberment insurance and group general or blanket hospital, surgical, medical, dental, and other health insurance for its active or retired employees, or their dependents, unless such

insurance is procured pursuant to the provisions of this chapter, or unless such payments are for part of the premiums for group life insurance for permanent employees as authorized by clause (44) of section five of chapter forty, or unless such payments are made, pursuant to an agreement of an employer and an employee organization, to a health and welfare trust fund agreement for the purposes of (i) providing health benefits not otherwise provided to such employees by said governmental unit under the provisions of this chapter or (ii) paying contributions by said governmental unit toward premium costs or rates in excess of the level of such premium cost or rate contributions otherwise provided for under the provisions of this chapter. This section shall not apply to the county of Worcester.

Approved June 22, 1988.

Chapter 83. **AN ACT MAKING A CORRECTIVE CHANGE RELATIVE TO THE JURISDICTION OF THE HOUSING COURT.**

Be it enacted, etc., as follows:

The first paragraph of section 3 of chapter 185C of the General Laws, as amended by section 3 of chapter 755 of the acts of 1987, is hereby further amended by inserting after the word "therewith", in line 23, the 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 June 23, 1988.

Chapter 84. **AN ACT RELATIVE TO THE RETURN OF VOTES AFTER STATE ELECTIONS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 54 of the General Laws is hereby amended by striking out section 115, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 115. The state secretary shall lay before the governor and council the copies of the votes cast. After such delivery, the governor, with at least five councillors, shall examine the copies. They shall tabulate said votes and determine who appear to be elected to the several offices, and what appears to be the result of the votes on any question or questions, and shall forthwith transmit to the state secretary

an abstract of such tabulation and determination. The state secretary, upon application, shall furnish to newspapers copies of such abstract. In case of a state-wide or district-wide recount under section one hundred and thirty-five, the state secretary shall in like manner lay before the governor and council the copies of the amended records received by him under said section, and the governor with at least five councillors shall, if necessary, revise the aforesaid tabulation and determination accordingly.

SECTION 2. Section 118 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The copies of the records of votes for presidential electors shall, in any event, within ten days after they have been transmitted to the state secretary, be examined by the governor and council, who shall thereafter declare, by proclamation, the names of the persons who have received at least one-fifth of the entire number of votes cast for electors, and the number of votes received by each such person.

SECTION 3. The provisions of this act shall take effect on January first, nineteen hundred and eighty-nine.

Approved June 23, 1988.

Chapter 85. AN ACT RELATIVE TO THE PURCHASE OF ALCOHOLIC BEVERAGES BY MINORS.

Be it enacted, etc., as follows:

Section 34A of chapter 138 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "purchases", in lines 1 and 2, the words:- or attempts to purchase.

Approved June 23, 1988.

Chapter 86. AN ACT IMPOSING A SALES TAX ON CIGARETTES.

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 striking out paragraph (g) and inserting in place thereof the following paragraph:-

(g) Sales of tangible personal property includable in the measure of the excises levied under the provisions of chapters sixty-four A, sixty-four E, sixty-four F and one hundred and thirty-eight.

Approved June 23, 1988.

EMERGENCY LETTER: July 14, 1988 @ 5:08 P.M.

Chapter 87. AN ACT PROVIDING FOR THE PURCHASE OF RECYCLED PRODUCTS.

Be it enacted, etc., as follows:

The first paragraph of section 22 of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- Such rules and regulations shall include, so far as practicable, the purchase of recycled paper products for said supplies.

Approved June 27, 1988.

Chapter 88. AN ACT RELATIVE TO CERTAIN POWERS OF THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

Chapter 323 of the acts of 1986 is hereby amended by striking out, in line 2, the word "eighty-eight", and inserting in place thereof the following word:- ninety.

Approved June 28, 1988.

Chapter 89. AN ACT REQUIRING IDENTIFICATION OF DENTURES.

Be it enacted, etc., as follows:

Section 50 of chapter 112 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two paragraphs:-

Every complete upper and lower denture or removable dental prosthesis, fabricated by a registered dentist or fabricated pursuant to such dentist's written prescription order, shall be marked with the name or social security number, or both, of the patient for whom the prosthesis is intended. Such markings shall be applied during fabrication and shall be permanent, legible and cosmetically acceptable. The exact location of the markings and method used to apply or implant the markings shall be determined by the dentist or dental laboratory fabricating the prosthesis. If in the professional judgment of the dentist, this full identification is not possible, the name or social security number may be omitted.

Any removable dental prosthesis in existence prior to the effective date of this act, which was not marked in the manner heretofore described, shall be so marked at the time of any subsequent rebasing or duplication.

Approved June 28, 1988.

Chapter 90. AN ACT INCLUDING REGIONAL VETERANS' DISTRICTS UNDER THE PROVISIONS OF PROPOSITION TWO AND ONE-HALF, SO-CALLED.

Be it enacted, etc., as follows:

Section 20B of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 1, the first time it appears, the word "regional" and inserting in place thereof the words:- regional veterans' district, regional.

Approved June 28, 1988.

Chapter 91. AN ACT DESIGNATING THE REPRESENTATIVE MICHAEL J. CARROLL HIGHWAY IN THE CITY OF LYNN, THE REPRESENTATIVE MICHAEL J. CARROLL PARKWAY.

Be it enacted, etc., as follows:

Chapter 183 of the acts of 1961 is hereby amended by striking out, in line 4, the word "Highway" and inserting in place thereof the following word:- parkway.

Approved June 28, 1988.

Chapter 92. AN ACT VALIDATING CERTAIN VOTES IN THE TOWN OF TOPSFIELD.

Be it enacted, etc., as follows:

SECTION 1. The votes taken by the town of Topsfield on May seventh, nineteen hundred and eighty-seven, on questions 1 to 4, inclusive, to exempt certain bonds from the annual tax limitations of section twenty-one C of chapter fifty-nine of the General Laws, are hereby ratified, validated, and confirmed, notwithstanding any defect or omission in the calling of the election.

SECTION 2. The vote passed by the town of Topsfield under Article 2 of the warrant for the May sixth, nineteen hundred and eighty-six, special town meeting authorizing the issuance of bonds in the aggregate principal amount of eighty thousand dollars for the purpose of making the town hall accessible to the handicapped is hereby ratified, validated and confirmed, notwithstanding any defect or omission in the warrant article under which the vote was taken.

Approved June 28, 1988.

Chapter 93. AN ACT INCREASING THE COMPENSATION OF A CITY CLERK SERVING AS CLERK OF THE CITY COUNCIL.

Be it enacted, etc., as follows:

Section 19F of chapter 41 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 6, the word "two" and inserting in place thereof the word:- four.

Approved June 28, 1988.

Chapter 94. AN ACT ESTABLISHING CERTAIN DIVISIONS IN THE DEPARTMENT OF PUBLIC WORKS IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 650 of the acts of 1953 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be established within the department of public works the division of highways, the division of engineering, the division of waterworks, the division of electric lines and lights, the division of buildings and grounds, and the division of inspectional services. Existing divisions may be eliminated or new divisions established as may be deemed necessary by the mayor with the approval of the board of aldermen.

SECTION 2. The first paragraph of section 5 of said chapter 650 is hereby amended by striking out, in lines 4 and 5, the words "and a superintendent of the division of buildings" and inserting in place thereof the words:- a superintendent of the division of buildings and grounds, a superintendent of inspectional services, and a superintendent of any other division hereafter established under the provisions of section four.

SECTION 3. The second paragraph of said section 5 of said chapter 650 is hereby amended by striking out, in lines 6 and 7, the words "and a superintendent of the division of buildings" and inserting in place thereof the words:- , a superintendent of the division of buildings and grounds, a superintendent of inspectional services, and a superintendent of any other division hereafter established under the provisions of section four.

Approved June 28, 1988.

Chapter 95. AN ACT PROMOTING ENERGY CONSERVATION.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 25B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "F96T12 lamp" the following definition:-

"Lamp", an incandescent, reflector incandescent, tungsten halogen, or fluorescent type lamp.

SECTION 2. Said chapter 25B is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. The provisions of this chapter shall apply to the testing, certification and enforcement of efficiency standards for lamps and the following types of new appliances sold, offered for sale or installed in the commonwealth:

(a) refrigerators, refrigerator-freezers and freezers which can be operated by alternating current electricity, excluding the following types: those designed to be used without doors; those which do not include a compressor and a condensor unit as an integral part of the cabinet assembly; refrigerators and refrigerator-freezers with total refrigerated volume exceeding thirty-nine cubic feet; top mounted refrigerator-freezers with total refrigerated volume less than sixteen and six-tenths cubic feet; and freezers with total refrigerated volume exceeding thirty cubic feet.

(b) storage type electric, gas and oil water heaters.

(c) fluorescent ballasts for F40T12 and F96T12 lamps.

(d) luminaires with fluorescent ballasts for F40T12 and F96T12 lamps.

(e) showerheads.

The provisions of this chapter shall not apply to: new appliances or lamps manufactured in the commonwealth and sold outside the commonwealth; new appliances or lamps manufactured outside the commonwealth and sold at wholesale inside the commonwealth for final retail sale and installation outside the commonwealth; appliances or lamps installed in mobile homes at the time of construction; or appliances or lamps designed expressly for installation and use in recreational vehicles; or lamps installed in residences.

SECTION 3. Section 4 of said chapter 25B, as so appearing, is hereby amended by adding the following paragraph:-

No new lamp covered by section three shall be installed in the commonwealth in a building other than a residence on or after January first, nineteen hundred and ninety, unless the energy efficiency of the lamp meets or exceeds the standards established by the secretary pursuant to this chapter. The secretary may, through regulation, establish exemptions for certain lamps used for specified purposes.

SECTION 4. Said chapter 25B is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. The secretary shall by regulation establish the level of energy efficiency standards for lamps, so that each lamp covered by said standard shall consume less power in watts, provided that said standards shall not become effective until January first, nineteen hundred and ninety. The secretary may by regulation increase the level of the energy efficiency standards for lamps, fluorescent ballasts, luminaires and showerheads. Said secretary may also by regulation increase the level of the energy efficiency standards for refrigerators, refrigerator-freezers, freezers and water heaters, provided that said standards shall not become effective until January first, nineteen hundred and ninety. Any revision of such standards shall be based upon the determination by the secretary that such efficiency levels are cost-effective to the users, as a group, of the covered appliance or lamp. Any standard revised pursuant to this section which conflicts with a corresponding standard in the state plumbing code shall take precedence over the standard in said code. Any standard revised pursuant to this section shall not take effect for at least one year after its adoption.

SECTION 5. Said chapter 25B is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. The secretary shall adopt procedures for testing the energy efficiency of the appliances and lamps covered by this chapter if such procedures are not provided for in the state plumbing code. The secretary shall use United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods applicable to the respective appliances and lamps. The manufacturer shall cause the testing of samples of each model of each appliance and lamp covered by this chapter in accordance with the test procedures adopted pursuant to this section or those specified in the state plumbing code.

SECTION 6. Said chapter 25B is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. Manufacturers of appliances and lamps covered by this chapter shall certify to the secretary that such appliances and lamps are in compliance with the provisions of this chapter. The secretary shall promulgate regulations governing the certification of appliances and lamps covered by this chapter and shall publish an annual list of such appliances and lamps.

Approved June 28, 1988.

Chapter 96. AN ACT PROVIDING FOR ADMINISTRATIVE FINES FOR VIOLATION OF CERTAIN LICENSING STATUTES, ORDINANCES AND REGULATIONS IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The board of license commissioners of the city of Cambridge may assess a fine not to exceed three hundred dollars against any person where said board, following an evidentiary hearing, finds that such person has violated a licensing statute, ordinance, or regulation enforceable by said board, relating to hackney carriages, jitneys, livery services, enterprises transmitting requests for transportation to operators of hackney carriages, jitneys, or livery services, or to enterprises which may have liens on licenses for hackney carriages, jitneys, or livery services. No fine shall be assessed unless such person has been given seven days' written notice of the hearing, either in person, at his last known place of abode, or at his usual place of business. No fine shall be assessed unless the board finds that a violation of such licensing law has been proved by a preponderance of the evidence. Any such fine levied pursuant to the provisions of this statute shall be civil and reviewable pursuant to section four of chapter two hundred and forty-nine of the General Laws.

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

Approved July 1, 1988.

Chapter 97. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO BORROW MONEY FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO CERTAIN BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county are hereby authorized to spend such sums as may be necessary, not exceeding, in the aggregate, two hundred and eighty-eight thousand dollars for the purpose of making roof and masonry repairs to the superior court building in the city of Fitchburg; roof repairs to the district court building in the town of Gardner; roof repairs to the district court building in the town of Uxbridge; and roof repairs to the Worcester county jail and house of correction.

SECTION 2. For the purposes authorized in section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two hundred and eighty-eight thousand dollars, and may issue bonds or notes of the county therefor which bear on their face the words, Worcester County Capital Improvements Loan, Acts of 1988. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than five years from their dates. The bonds and notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county

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

Approved July 1, 1988.

Chapter 98. AN ACT RELATIVE TO THE BOARD OF TRUSTEES FOR CERTAIN CEMETERIES IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94 of the Special Acts of 1919 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. Melrose, Coweeset, West (Snell), Thayer, Thompson, First Parish, East Ashland Street, Melrose Avenue, Leach, and all after-acquired cemeteries in the city of Brockton shall be under the exclusive care, management, and control of the Brockton cemeteries' board of trustees who shall make such rules and regulations, not inconsistent with law, in relation to the use and management of the cemeteries as they shall deem necessary or expedient.

Section 2. Said board shall consist of six members to be appointed by the mayor, subject to confirmation by the city council. Each member shall be appointed to serve for the term of five years and until his successor is chosen and qualified. In addition to the six members to the board of trustees, the mayor shall be a member of the board ex officio and its chairman. Vacancies in the board arising from death, resignation, or otherwise, shall be filled for the unexpired term by mayoral appointment. No person shall be eligible to the office of trustee aforesaid unless he is a resident of the city of Brockton.

SECTION 2. Notwithstanding the provisions of section one, all trustees holding such positions on the effective date of this act shall continue to serve on the board until their present term expires and their successor is chosen and qualified, in the manner herein provided, or until a vacancy is created in such position by death, resignation or otherwise as aforesaid.

Approved July 1, 1988.

Chapter 99. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR AND TOWN ACCOUNTANT IN THE TOWN OF HOLLISTON.

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 Holliston shall appoint a treasurer-collector.

SECTION 2. Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to the contrary, the office of town auditor is hereby abolished and the board of selectmen of the town shall appoint a town accountant to perform the duties and possess the powers of town accountants pursuant to section fifty-five of chapter forty-one of the General Laws.

SECTION 3. Notwithstanding the provisions of sections one and two of this act, the incumbents in the offices of treasurer-collector and town auditor upon the effective date of this act shall continue to hold said offices and to perform the duties thereof until the expiration of their term or a precedent vacating of office.

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

Approved July 5, 1988.

Chapter 100. AN ACT VALIDATING THE PROCEEDINGS AT A SPECIAL TOWN ELECTION OF THE TOWN OF DUNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. The proceedings taken by the town of Dunstable on the question voted upon at its special town election held on July thirteenth, nineteen hundred and eighty-seven are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the form of the warrant or notice of said election.

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

Approved July 5, 1988.

Chapter 101. AN ACT AUTHORIZING THE REGISTRAR OF MOTOR VEHICLES TO AUTHENTICATE COPIES OF THE RECORDS OF THE REGISTRY OF MOTOR VEHICLES FOR ADMISSIBILITY AS COMPETENT EVIDENCE IN THE COURTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section 76 of chapter 233 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word

"carriers", in lines 6 and 7, the words:- ; and of the registry of motor vehicles.

Approved July 5, 1988.

Chapter 102. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BOURNE AS THE JAMES J. COUGHLIN BRIDGE.**

Be it enacted, etc., as follows:

The bridge numbered B-17-26 on the ramp over state highway Route 25 in the town of Bourne shall be designated and known as the James J. Coughlin bridge. Suitable markers bearing said designation shall be attached or erected thereto by the department of public works in compliance with the standards of said department.

Approved July 5, 1988.

Chapter 103. **AN ACT RELATIVE TO THE BOUNDARIES OF THE SHIRLEY VILLAGE WATER DISTRICT.**

Be it enacted, etc., as follows:

Chapter 119 of the acts of 1903 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The inhabitants of the town of Shirley liable to taxation in said town and residing within the territorial limits of said town shall constitute a water district, and are hereby made a body corporate, by the name of the Shirley Village Water District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with 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 to take by lease, purchase or otherwise and hold, property, lands, rights of way and easements, for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

Approved July 5, 1988.

Chapter 104. **AN ACT AUTHORIZING THE TOWN OF WAREHAM TO PAY A CERTAIN SUM OF MONEY TO CERTAIN SCHOOL DEPARTMENT EMPLOYEES.**

Be it enacted, etc., as follows:

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 Marilyn Woods, a sum not to exceed one thousand eight hundred and ninety-two dollars and forty cents, and Geraldine M. England, a sum not to exceed nine hundred and fifteen dollars for services performed by them in prior fiscal years for the school department of said town.

Approved July 5, 1988.

Chapter 105. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-EIGHT TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

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

SECTION 2.

Item		
	JUDICIARY.	
	Supreme Judicial Court.	
0320-0001	For the salaries, traveling allowances and expenses of the chief justice and of the six associate justices	$33,984
0321-0001	For the expenses of the commission on judicial conduct	$39,410
	Appeals Court.	

0322-0001 For the salaries, traveling allowances and expenses of the chief justice and of the nine associate justices $44,874

Trial Court.

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 $780,216

0330-0200 For the salaries of the recalled justices of the trial court $84,661

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 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 the secretary of administration and finance 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 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 $63,756

0330-0708 For a reserve to meet certain costs in the trial court, provided that funds may be transferred from this item to other items of appropriation with the prior approval of the commissioner of administration $143,015

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Group Insurance Commission.

1108-5200 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-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 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 $25,000,000

Division of Public Employee Retirement Administration.

1108-6200 For the purposes of workers' compensation paid to public employees, including previous fiscal years $3,775,764

Highway Fund 35.0%
General Fund 65.0%

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 $2,229,683

Highway Fund 10.0%
General Fund 90.0%

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of the Metropolitan District Commission.

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 $76,607

General Fund 33.0%
Highway Fund 67.0%

EXECUTIVE OFFICE OF HUMAN SERVICES.

Department of Correction.

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 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 $3,900,000

4349-0014 For certain costs pertaining to services required at Bridgewater state hospital pursuant to supreme judicial court ruling #S-4630 in the matter of O'Sullivan vs. Secretary of Human Services $150,000

Department of Mental Health.

5051-0100 For the operation of community mental health centers; provided, however, 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 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 $1,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

DEPARTMENT OF PUBLIC WORKS.

Maintenance and Operation of State Highways and Bridges.

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 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 $8,764,475

Highway 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, 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 $7,934,000

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 scholarship program, the Carl J. Gilbert Matching Scholarship grant program, the Massachusetts graduate scholarship grant program, the Massachusetts low interest student loan program, the commonwealth scholars program, the Massachusetts teacher incentive program, a scholarship program for needy Massachusetts part-time undergraduate students, and the Massachusetts educational employment program; provided, that not less than three hundred thousand dollars shall be obligated to master of science degrees in nursing at nonpublic institutions of higher learning located within the commonwealth; and provided further, that the limitations on the total amount of scholarships awarded to student 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-nine $84,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

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, and including not more than four hundred and fifty-one thousand dollars for the payment of certain prior year expenses, including not more than fifty-eight positions $500,871

Division of State Police.

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 $177,532

General Fund 15.0%
Highway Fund 85.0%

Capitol Police.

8500-0001 For the operation and administration of the capitol police force; provided, however, 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; provided that said police force shall be trained in crowd control techniques subject to a program of training approved by the secretary of public safety $192,713

Civil Defense Agency.

8800-0001 For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities, including not more than forty positions $52,171

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-1618 For settlement of certain audits by the United States Department of Labor for expenditures of federal grants under the Comprehensive Education and Training Act of 1973 $1,394,778

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Division of Registration.

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 $124,555

SECTION 3.

2260-8888 For the payment of a court settlement for the Southern Development, Inc. v. the Commonwealth of Massachusetts C.A. No.135043 $3,110,734

SECTION 4. The secretary of administration and finance shall prepare a document listing all items in chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, which have not been fully funded according to the allotment formula contained in chapter twenty-nine, section nine B of the General Laws as of the effective date of this act. The secretary of administration and finance shall also prepare an explanation of the reasons each line item has not been fully funded. Such document and explanation shall be filed with the clerks of the house and senate.

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 three 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 6. To meet the expenditures necessary to 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, to any amount specified by the governor from time to time, not exceeding in the aggregate, the sum of three million, one hundred ten thousand

seven hundred and thirty-four dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of nineteen hundred and eighty-eight, 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 7. Item 1599-3655 of section 2 of chapter 199 of the acts of 1987, inserted by section 2 of chapter 646 of the acts of 1987, is hereby amended by inserting after the word "preparedness", in line 20, the words:- ; provided, further, that in the event the certified reimbursable costs for any community exceed the figure designated for such community, funds may be reallocated from any excess funds available in this item to such community. It shall be the intent of this item initially to reimburse all eligible certified costs related to public streets and ways, then to allocate the remaining balance, if any, on a pro-rata basis if necessary, toward all eligible, certified costs related to the clearance of debris from waterways, to a maximum of eighty-seven and one-half per cent.

SECTION 8. Item 0322-0002 of said section 2 of said chapter 199 is hereby amended by striking out the wording and inserting in place thereof the following wording:- For the salaries and expenses of the appeals court; provided, however, that notwithstanding any other law to the contrary, the prior year cost of salary adjustments authorized by chapter five hundred and twenty-five of the acts of nineteen hundred and eighty-six shall be allowed and paid from this item.

SECTION 9. The caption EOHS-Department of Social Services - Title IV-E Reimbursement Sliding Fee Revenues of section 33 of said chapter 199 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

The commissioner of the department of social services may expend for the provision of direct social services revenues collected from the establishment of a sliding fee scale for service, in an amount not to exceed two hundred thousand dollars, and revenues collected pursuant to Title IV-E of the Social Security Act, in an amount not exceeding eight million eight hundred thousand dollars.

SECTION 10. Notwithstanding the provisions of section thirteen of chapter twenty-nine of the General Laws or of any other law to the contrary, the cost of any contractual obligation incurred in fiscal year nineteen hundred and eighty-eight pursuant to an appropriation for ordinary maintenance for such fiscal year and the cost of that portion of any such appropriation representing an outstanding encumbrance at the

end of such fiscal year shall be reported as an expenditure for fiscal year nineteen hundred and eighty-eight on the comptroller's annual statement submitted pursuant to section five of said chapter twenty-nine, and may not be paid from the appropriation for the same purpose for fiscal year nineteen hundred and eighty-nine or for any succeeding fiscal year.

SECTION 10A. Notwithstanding the provisions of any general or special law to the contrary, the amount of eighty-one million four hundred and twenty-five thousand dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and eighty-nine to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and eighty-nine fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, for other necessary services, and for meeting certain requirements of law; provided, however, that said sum may be expended, without further appropriation, pursuant to schedules prepared by the secretary of administration and finance and filed prior to expenditure with the house and senate committees on ways and means; provided, further, that the authorization contained herein shall cease to be operative as of the effective date of the general appropriations act for the nineteen hundred and eighty-nine fiscal year and all actions taken under this section shall apply against said general appropriations act.

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

Approved July 7, 1988.

Chapter 106. AN ACT PROVIDING FOR CHANGES IN THE PERSONAL INCOME TAX AND CLARIFYING CERTAIN OTHER PROVISIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 62 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) "Code", the Internal Revenue Code of the United States, as amended on January first, nineteen hundred and eighty-eight and in effect for the taxable year.

SECTION 2. Said section 1 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) "Dividend", any item of federal gross income which is treated as a dividend under the provisions of the Code.

SECTION 3. Said section 1 of said chapter 62, as so appearing, is

hereby further amended by striking out paragraph (i) and inserting in place thereof the following paragraph:-

(i) "Interest" shall have the same meaning as in section one hundred and sixty-three of the Code, including all amounts treated as interest by virtue of the operation of any other sections of the Code, including, without limitation, section four hundred and eighty-three of the Code, and including any amount required to be included currently in income under section four hundred and fifty-four or one thousand two hundred and thirty-two (a)(3) of the Code.

SECTION 4. Subsection (a) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 2, the word "seven" and inserting in place thereof the word:- six F.

SECTION 5. Paragraph (1) of said subsection (a) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (B).

SECTION 6. Said paragraph (1) of said subsection (a) of said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out subparagraph (H).

SECTION 7. Subsection (c) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) A deduction equal to fifty per cent of the net capital gain after reduction by any deduction taken under paragraph (1) of this subsection.

SECTION 8. Said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) Part B adjusted gross income shall be the Part B gross income less the following deductions:-

(1) The deductions allowable under section sixty-two and four hundred and four, without regard to section two hundred and sixty-five, of the Code; provided, however, that the following deductions shall not be allowed:-

(A) The deductions allowed to life tenants and income beneficiaries by section sixty-two (a)(5) of the Code insofar as such deductions are allowed to a trust or estate subject to taxation under this chapter.

(B) Any deduction relating or allocable to any income not included in Massachusetts gross income of a proportionate part of any deduction which is in part so relating or allocable.

(C) Any net operating loss deduction allowed by section one hundred and seventy-two of the Code.

(D) In the case of an individual who is an employee within the meaning of section four hundred and one (c)(1) of the Code, the deductions allowed by section four hundred and four of the Code to the extent attributable to contributions made on behalf of such individual: provided, however, that no contribution on behalf of such individual shall be

treated as an excess contribution under this chapter unless treated as an excess contribution for federal tax purposes in the year made.

(E) The deduction allowed by section one thousand three hundred and seventy-nine (b)(3) of the Code.

(F) The deduction allowed by section two hundred and nineteen of the Code relating to certain retirement savings.

(G) The deduction allowed by section four hundred and two (e)(3) of the Code relating to the ordinary income portion of a lump sum distribution.

(H) The deduction allowed by section one hundred and sixty-five of the Code relating to forfeitures because of premature withdrawal of funds to the extent that the income represented by such forfeiture was not included in Massachusetts gross income.

(I) The deduction allowed by section one hundred and sixty-two (h) of the Code.

(2) An amount equal to the deductions allowed by Part VI of the Code which (i) consist of expenses of travel, meals and lodging while away from home, or expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee; or (ii) are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer; provided, however, that the taxpayer itemizes deductions on his federal income tax return and the deductions under clauses (i) and (ii) are allowed as itemized deductions under subsection (a) of section sixty-seven of the Code. No deduction shall be allowed under this paragraph to a taxpayer who files a joint federal income tax return with his spouse unless a joint return is also filed under this chapter.

SECTION 9. Paragraph (b) of Part B of section 3 of said chapter 62, as so appearing, is hereby amended by striking out subparagraphs (3) and (4) and inserting in place thereof the following two subparagraphs:-

(3) An exemption of one thousand dollars for each individual who qualifies for exemption as a dependent under section one hundred and fifty-one (c) of the Code.

(4) An amount equal to the deduction for medical, dental and other expenses allowed under section two hundred and thirteen of the Code; provided, however, that the individual itemizes deductions on his federal income tax return. No exemption shall be allowed under this subparagraph to an individual who files a joint federal income tax return with his spouse unless a joint return is also filed under this chapter.

SECTION 10. Paragraph (a) of section 5 of said chapter 62, as so appearing, is hereby amended by adding the following sentence:- With respect to a person who is a nonresident for all or part of the taxable year, Massachusetts adjusted gross income shall be determined as if he were a resident of the commonwealth throughout the entire taxable year.

SECTION 11. Subsection (a) of section 6 of said chapter 62, as so

appearing, is hereby amended by adding the following sentence:- The credit hereunder shall be allowed to estates of residents and to trustees or other fiduciaries described in subsection (c) of section ten.

SECTION 12. Paragraph (b) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The provisions of paragraph (a) shall not apply to any corporate trust which (i) is a regulated investment company under section eight hundred and fifty-one of the Code or a real estate investment trust under section eight hundred and fifty-six of the Code; (ii) is a holding company as hereinafter defined; (iii) has an apportionment percentage for apportioning its Massachusetts adjusted gross income under said paragraph (a) of less than ten per cent; (iv) is exempt under subdivision (1) or (2) of section twenty-three of chapter thirty-two; (v) has elected to be an S corporation, as defined in section thirteen hundred and sixty-one of the Code, for federal income tax purposes for the taxable year to the extent that such income is taxable to the beneficiaries thereof under section seventeen A; or (vi) has made a valid election for the taxable year to be treated as a REMIC (real estate mortgage investment conduit), as defined in section eight hundred and sixty D of the Code for federal income tax purposes.

SECTION 13. Section 25 of said chapter 62, as so appearing, is hereby amended by adding the following paragraph:-

Any individual (i) who dies while in active service as a member of the Armed Forces of the United States and serving in a combat zone or while a military or civilian employee of the United States as a result of terroristic or military action outside the United States; and (ii) who otherwise qualifies under the provisions of section six hundred and ninety-two of the Code, shall not be subject to taxation under this chapter to the same extent as that individual is exempt from federal income taxation under said section.

SECTION 14. Clause (3) of paragraph (b) of section 63 of said chapter 62, as so appearing, is hereby amended by striking out, in line 21, the word "seven" and inserting in place thereof the word:- six F.

SECTION 15. Paragraph (d) of said section 63 of said chapter 62, as so appearing, is hereby amended by inserting after the word "chapter", in line 43, the words:- ; provided, however, that security shall not be required if such excess does not exceed fifteen hundred dollars.

SECTION 16. Section thirteen shall apply to taxable years commencing on or after January first, nineteen hundred and eighty-seven. Sections one to twelve, inclusive, and sections fourteen and fifteen shall apply to taxable years commencing on or after January first, nineteen hundred and eighty-eight.

Approved July 7, 1988.

Chapter 107. AN ACT FURTHER REGULATING THE WORK EXPERIENCE REQUIREMENT FOR CERTAIN GOVERNMENT AUDITORS.

Be it enacted, etc., as follows:

Section 87A 1/2 of chapter 112 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 78, the word "practice." and inserting in place thereof the following:- practice, or

(iii) field audit work, including the direct supervision of field audit work, with the United States Government or any agency or subdivision of the commonwealth with a demonstrated emphasis on the expression of opinions on financial statements in accordance with generally accepted auditing standards, the review of and report on internal controls, the application of varied auditing procedures, the preparation of audit working papers for account examinations, the planning of auditing work programs, the preparation of written explanations and comments on examination findings and the preparation and analysis of financial statements. The experience required by this clause, as approved by the board, shall be considered work experience on the same basis as experience in public accounting practices; provided, however, that adherence to the standard of independence is strictly applied.

Approved July 7, 1988.

Chapter 108. AN ACT EXEMPTING THE POSITION OF INSPECTOR OF BUILDINGS OF THE TOWN OF WATERTOWN FROM THE CIVIL SERVICE LAW.

SECTION 1. Chapter two of the acts of nineteen hundred and twenty-six is hereby repealed.

SECTION 1A. Notwithstanding any provision of general or special law to the contrary, the provisions of chapter thirty-one of the General Laws, and the rules and regulations made thereunder, shall hereafter not apply to the inspector of buildings of the city known as the town of Watertown.

SECTION 1B. The city known as the town of Watertown is hereby authorized to enact general and zoning ordinances consistent with the terms of this act and with the General Laws to provide for the employment and duties of the inspector of buildings.

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

Approved July 11, 1988.

Chapter 109. AN ACT RELATIVE TO THE TRANSPORTATION OF PRISONERS.

Be it enacted, etc., as follows:

The first paragraph of section 24 of chapter 37 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words ", exclusive of Nantucket,".

Approved July 11, 1988.

Chapter 110. AN ACT DESIGNATING THE TABBY CAT AS THE OFFICIAL CAT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding after section 29, added by chapter 129 of the acts of 1987, the following section:-

Section 30. The Tabby cat shall be the official cat of the commonwealth.

Approved July 11, 1988.

Chapter 111. AN ACT DESIGNATING A CERTAIN SECTION OF PARK AND RESERVATION LAND ON COLUMBIA ROAD IN THE DORCHESTER DISTRICT IN THE CITY OF BOSTON AS THE SPEAKER JOHN W. McCORMACK PARK.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate the park and reservation land located at Columbia road and Buttonwood street in the Dorchester district in the city of Boston as the Speaker John W. McCormack 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 on Columbia road at Buttonwood street in the Dorchester district in the city of Boston shall be designated and known as the Speaker John W. McCormack Park. A suitable marker bearing such designation shall be attached thereto by the metropolitan district commission.

Approved July 12, 1988.

Chapter 112. **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 Charles M. Grabau, as he is an associate justice of the superior court in the commonwealth, in the town of Belmont on October second, nineteen hundred and eighty-eight between Lisa J. Boodman and Bernard J. Rudman, both of the town of Arlington, and the state secretary shall issue to said Honorable Charles M. Grabau in his capacity as aforesaid a certificate of such authorization.

Approved July 12, 1988.

Chapter 113. **AN ACT RELATIVE TO THE AMOUNT OF INSURANCE ON CERTAIN MORTGAGES GRANTED BY CREDIT UNIONS.**

Be it enacted, etc., as follows:

Section 24 of chapter 171 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 173, the word "Forty-Five" and inserting in place thereof the words:- one hundred.

Approved July 12, 1988.

Chapter 114. **AN ACT FURTHER REGULATING DENTAL SCHOOL GRADUATES.**

Be it enacted, etc., as follows:

Section 51 of chapter 112 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:-

Any person of good moral character, nineteen years old or over, who is a graduate of a school for dental hygienists accredited or recognized as accredited by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association

requiring a course of not less than one academic year and approved by the board, or who is a full time dental student who has satisfactorily completed at least four full semesters in an accredited dental college or a graduate from any accredited dental college who has not previously been examined by the board in subjects considered essential by it for a dental hygienist may, upon the payment of a fee determined annually by the commissioner of administration under the provisions of section three B of chapter seven, be examined by the board in said subjects, and, if his examination is satisfactory, shall be registered as a dental hygienist and be given a certificate allowing him to practice dental hygiene. Upon receipt of a certificate of registration pursuant to section forty-five, any certificate issued hereunder shall be revoked.

Approved July 12, 1988.

EMERGENCY LETTER: August 26, 1988 @ 4:35 P.M.

Chapter 115. AN ACT DESIGNATING THE DAM ON FENWICK STREET IN THE TOWN OF FRAMINGHAM AS THE MAXWELL HENRY FELLOWS DAM.

Be it enacted, etc., as follows:

The dam located on Fenwick street in the town of Framingham shall be designated and known as the Maxwell Henry Fellows Dam. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved July 12, 1988.

Chapter 116. AN ACT FURTHER REGULATING MEETINGS OF GOVERNMENTAL BODIES.

Be it enacted, etc., as follows:

SECTION 1. The seventh paragraph of section 11A 1/2 of chapter 30A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- No votes taken in open session shall be by secret ballot.

SECTION 2. The seventh paragraph of section 9G of chapter 34 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- No votes taken in open session shall be by secret ballot.

SECTION 3. Section 23A of chapter 39 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Governmental body." and inserting in place thereof the following definition:-

"Governmental body", every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall not include a town meeting.

SECTION 4. The seventh paragraph of section 23B of said chapter 39, as so appearing, is hereby further amended by adding the following sentence:- No votes taken in open session shall be by secret ballot.

Approved July 12, 1988.

Chapter 117. AN ACT DESIGNATING A SUITABLE MARKER FOR WOODROW BESWICK.

Be it enacted, etc., as follows:

The metropolitan district commission shall designate a certain park bench in William Fitzgerald Park, in the Dorchester district of the city of Boston as the Woodrow Beswick bench in memory of Woodrow Beswick. A suitable marker bearing such designation shall be affixed thereon by said metropolitan district commission.

Approved July 12, 1988.

Chapter 118. AN ACT CLARIFYING THE JURISDICTION OF A MUNICIPAL INSPECTOR OF WIRES.

Be it enacted, etc., as follows:

Section 32 of chapter 166 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "a building designed to carry an electric light, heat, or power current" and inserting in place thereof the following words:- or supplied from buildings and structures subject to the provisions of chapter one hundred and forty-three, and the state building code.

Approved July 12, 1988.

Chapter 119. AN ACT DIRECTING THE COUNTY OF HAMPDEN TO CONVEY CERTAIN PARK LAND TO THE CITY KNOWN AS THE TOWN OF AGAWAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fourteen of chapter thirty-four of the General Laws or any other general or special

law to the contrary, the county commissioners of the county of Hampden are hereby authorized and directed to convey to the city known as the town of Agawam the following five described parcels of land, presently used for agricultural and environmental purposes. Said parcels are bounded and described as follows:

PARCEL I

A certain parcel of land situated in AGAWAM, and lying approximately seven hundred and fifty (750) feet south of Meadow Street, and bounded and described as follows, to wit: Bounded Easterly by land of Walter E. Allen; Southerly by land now or formerly of Mrs. Eliza L. Hunt, and of one Otto; Westerly by land supposed to belong now or formerly to Kittie Cook Haskell; and Northerly by land now or formerly of said Haskell and land formerly of Mary E. Hunt. Containing about four (4) acres. Excepting therefrom such portion of the above-described premises as is described in a deed from Harriet A. Clark and Walter E. Allen to Italian Athletic Club, Inc. of Springfield, dated December 9, 1932, and recorded with Hampden County Registry of Deeds, Book 1514, Page 176.

PARCEL II

The land situated on the northerly side of School Street in the Town of Agawam, Hampden County, Massachusetts, and bounded described as follows:

Being approximately eight (8) acres with buildings thereon, bounded EASTERLY by the River Road, so called, being the road extending southerly from the South End Bridge near or along the side of the Connecticut River; SOUTHERLY by the highway known as School Street, extending from said River Road southwesterly to Agawam Center; WESTERLY by land now or formerly of Patrick E. Granfield; and NORTHERLY by land now or formerly of the Inhabitants of Hampden County and land now or formerly of Thomas Kirkland.

PARCEL III

The land in Agawam in Hampden County in said County of Hampden, bounded and described as follows, to wit: Beginning at a stone marker at the northwesterly corner of land now or formerly of Frank and Katheryn Caroleo, said stone being also in the southerly line of land of the grantee and distant six hundred thirty-seven and 75/100 (637.75) feet northwesterly of River Road, measured along said southerly line, and running thence S.35° 31' W. along said land now or formerly of Caroleo, land of Mary DeMarco, land of Tony Gionetti, et al, land of Knapp Home Building Company and land of Rose Gallo, five hundred sixty and 56/100 (560.56) feet to a stone bound; thence N.86° 52' W. along other land of the grantor, four hundred seventeen and 69/100 (417.69) feet to a stone bound at land of the grantee; thence N.37° 15' E. along said land of the grantee, six hundred eighty-five and 24/100 (685.24) feet to an iron pin; thence S.71° 09' E. along land of the grantee, three hundred forty-six and 65/100 (346.65) feet to the point of beginning. Containing 4.85 acres.

PARCEL IV

The land in said AGAWAM being known and described as follows: Beginning at a point in the southerly line of land of the grantee distant four hundred nine and 74/100 (409.74) feet westerly from a stone bound

at the southeasterly corner of land conveyed by deed of Albert H. Brown and described as parcel one in said deed recorded in Hampden County Registry of Deeds, Book 915, Page 453, and running thence Easterly along said land of the grantee, four hundred nine and 74/100 (409.74) feet to the above mentioned stone bound; thence continuing Easterly, making an interior angle with the last course of 180% 29' along other land of the grantee as described in deed of Charles W. Hull recorded in said Registry of Deeds in Book 1484, Page 170, six hundred ninety-one and 46/100 (691.46) feet to an iron pin at the northwesterly corner of land now or formerly of Efim Soroka; thence Southerly, making an interior angle with the last course of 93% 04' 50" along said land now or formerly of Efim Soroka, three hundred five and 13/100 (305.13) feet to an iron pin; thence continuing Southerly along said land now or formerly of Efim Soroka, making an interior angle with the last course of 181% 03' 50", six hundred eight and 87/100 (608.87) feet to an iron pin at land now or formerly of Mary Satkowski; thence Westerly, making an interior angle with the last course of 78% 46' 25", along said last mentioned land, nine hundred fifty-two and 35/100 (952.35) feet to a concrete bound at land of George and Dorothy Greenfield; thence Northerly, making an interior angle with the last course of 112% 15' 55" along said land of George and Dorothy Greenfield, eight hundred twenty-six and 84/100 (826.84) feet to the point of beginning.

PARCEL V

The land in said AGAWAM being known and described as follows: Beginning at an iron pin at the southeasterly corner of land now or formerly of Clifford M. Granger at land now or formerly of one Soroka, and running thence Westerly along said land of Granger, nine hundred fifty-two and 35/100 (952.35) feet to a concrete bound at the southwesterly corner of said land of Granger, at land of George and Dorothy Greenfield, thence Westerly, making an interior angle with the last course of 178%16'15" along land of said Greenfield, thirteen hundred sixty-one and 98/100 (1361.98) feet to an iron pin; thence Southerly, making an interior angle with the last course of 90% 48' 20" along other land of the grantor, six hundred ninety-nine and 6/100 (699.06) feet to an iron pin at land of Frederick M. Wilcox; thence Easterly, making an interior angle with the last course of 90% 29' 40", along land of said Wilcox, twenty-four hundred fifty-seven and 68/100 (2457.68) feet to an iron pin at land of said Soroka; thence Northerly making an interior angle with the last course of 78% 17' 50", along said last mentioned land, seven hundred thirty-seven and 96/100 (737.96) feet to the point of beginning.

Said parcel shall be conveyed by deed, sealed with the county seal and signed and acknowledged by the county commissioners of said county.

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

Approved July 14, 1988.

Chapter 120. AN ACT IMPROVING JAILS, HOUSES OF CORRECTION, AND CORRECTIONAL INSTITUTIONS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

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

SECTION 2.

EXECUTIVE OFFICE OF HUMAN SERVICES.

DEPARTMENT OF CORRECTIONS.

Item		
4349-0020	For alleviating overcrowded conditions at MCI-Framingham, including not more than twenty-five positions	$114,500

DEPARTMENT OF PUBLIC HEALTH.

4512-0200	For the administration of the division of alcoholism and the division of drug rehabilitation; provided, however, 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 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 shall be obligated for drug rehabilitation services for pregnant women; provided, further, that not less than one hundred and fifty thousand dollars 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 employees of human services providers, including not more than thirty-seven positions; and provided, further, that not less than seventy-four thousand two hundred and fifty dollars shall be obligated for a twenty-bed treatment program for female civilly-committed alcohol and substance abusers	$74,250

SECTION 3. The department of correction shall establish, at Massachusetts Correctional Institution, Framingham, staffing patterns and schedules of the facility's resources to ensure that the persons residing in the awaiting trial unit shall have reasonable access to the facility's resources. The commissioner shall submit a report detailing the new staffing patterns to the house and senate committees on ways and means. Further, the commissioner shall submit quarterly reports detailing the implementation of improvements at Massachusetts Correctional Institution, Framingham that are authorized by this act to the house and senate committees on ways and means.

The deputy director of the division of capital planning and operations shall submit quarterly reports to the house and senate committees on ways and means detailing the implementation of the improvements at jails, houses of correction and correctional institutions authorized by this act. The reports shall be filed with those committees on or before January thirty-first, April thirtieth, July thirty-first and October thirty-first of each year.

SECTION 4. The division of capital planning and operations is hereby authorized to expend twenty million dollars for studies, the preparation of plans, furnishings and equipment and the design, construction, reconstruction or renovation for Phase Two of the Massachusetts Correctional Institution, Framingham master plan, so-called; said funds are to be in addition to those appropriated in item 4315-8841 of chapter

seven hundred and twenty-three of the acts of nineteen eighty-three. This project may be the responsibility of the "special capital projects units", so-called, in the department of correction and the division of capital planning and operations, established in section nine of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six; provided, however, that the salaries and administrative expenses of both of the special units shall be paid from funds authorized by this act and item 4315-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three for the cost of the development and construction of said projects. Should the amounts authorized by this section or by item 4315-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three be insufficient to implement the projects authorized by this section or said item, the division of capital planning and operations may expend up to five million dollars from the amounts authorized pursuant to section six of this act for purposes of the projects authorized by this section or by said item 4315-8841.

SECTION 5. The deputy commissioner of the division of capital planning and operations is hereby authorized to expend four million dollars to procure, in accordance with the provisions of this section, modular buildings, furnishings and equipment, to alleviate overcrowding at the awaiting trial unit at Massachusetts Correctional Institution, Framingham.

As used in this section, the following words, unless the context clearly indicates otherwise, shall have the following meanings;

"Modular building", a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities, or any portable structure with walls, a floor, and a roof, designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation.

"Procurement", buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration. The provisions of section forty-four A, forty-four B, and sections forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to contracts procured pursuant to this section. The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws shall not apply to the design of a modular building procured pursuant to this section. Every proposal shall be accompanied by either: (1) a copy of a certificate of eligibility issued by the deputy commissioner as described in section forty-four D of said chapter one hundred and forty-nine for the fabrication of modular buildings, together with an update statement, or (2) a prequalification statement containing such information as the deputy commissioner shall prescribe. If the deputy commissioner

determines that any offeror is not responsible or eligible, the deputy commissioner shall reject such offeror in writing. A contract awarded pursuant to this section which is for an amount or estimated amount greater than one hundred thousand dollars shall be deemed a contract subject to the provisions of section thirty-nine R of chapter thirty of the General Laws, and a contractor awarded such a contract shall be deemed a contractor subject to the provisions of said section thirty-nine R.

The deputy commissioner shall procure modular buildings as authorized by this section utilizing competitively sealed proposals. The deputy commissioner shall solicit proposals through a request for proposals. The request for proposals shall include: (1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the commonwealth; (2) the purchase description and all evaluation criteria that will be utilized; and (3) all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain such documents. The request for proposals may provide for the separate submission of price, and, if it does so provide, shall indicate when and how the offerors shall submit the price. The deputy commissioner shall make copies of the request for proposals available to all persons on an equal basis. Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the state secretary, and in other such newspapers and trade periodicals as the deputy commissioner customarily utilizes for the advertisement of construction contracts.

The deputy commissioner shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provisions of section seven of chapter four of the General Laws, until the completion of the evaluation, or until the time of acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of the proposals, the deputy commissioner shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The deputy commissioner may open the price proposals at a later time, and may open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The deputy commissioner shall designate the individual or individuals responsible for the evaluation of the proposals. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality,

workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing: (1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reason for the rating; (2) a composite rating for each proposal, and the reasons for the rating; and (3) revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The deputy commissioner shall unconditionally accept a proposal except as provided by this and the following paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the opening of proposals. After such an opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the commonwealth or fair competition. The deputy commissioner shall waive minor informalities or allow the offeror to correct them. If a mistake in the intended offer is clearly evident on the face of the document, the deputy commissioner shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The deputy commissioner may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident. The deputy commissioner shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The deputy commissioner shall award the contract by written notice to the selected offeror or within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The deputy commissioner may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract. If the deputy commissioner awards the contract to an offeror who did not submit the lowest price, the deputy commissioner shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the commonwealth's actual needs or that the anticipated performance of the selected offeror justifies the additional cost. Prior to execution of a contract pursuant to this section, the selected offeror shall furnish to the deputy commissioner a performance bond satisfactory to the deputy commissioner in the sum of fifty per cent of the contract price. Should the amount authorized by this section be insufficient to implement the projects authorized by this section, the division of capital planning and operations may expend up to one million dollars from the amounts authorized pursuant to section six for the purposes of this section.

SECTION 6. The division of capital planning and operations is hereby

authorized to expend fifty-one million five hundred thousand dollars for studies, the preparation of plans, and the renovation, upgrading and expansion of existing state correctional facilities, including the cost of furnishings and equipment, and including any costs related to environmental compliance, for Massachusetts Correctional Institution, Warwick, Massachusetts Correctional Institution, Concord, Massachusetts Correctional Institution, Shirley, Northeast Correctional Center, Massachusetts Correctional Institution, Plymouth and Massachusetts Correctional Institution, Cedar Junction. Said amount shall be in addition to the amounts authorized by item 4349-7881 of chapter three hundred and three of the acts of nineteen hundred and eighty-seven and section six of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six; provided that the provisions of section nine of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six are applied to these funds; provided, however that no funds shall be expended without the approval of the commissioner of administration and the house and senate committees on ways and means; and provided, further, that failure to disapprove said expenditure within fourteen days of notification of said committees shall constitute approval by said committee.

SECTION 7. The division of capital planning and operations is hereby authorized to expend ninety-four million dollars for studies, the preparation of plans, acquisition of land, including buildings thereon, and design, construction, reconstruction, renovation, or expansion of county jails, houses of correction or other correctional facilities for Essex county, Norfolk county and Suffolk county, including the cost of furnishings and equipment, and including any cost related to environmental compliance. Said amount shall be in addition to the amounts appropriated in section eight of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five and section one of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six and pursuant to regulations promulgated through said sections; provided, however, that, the provisions of section nine of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six shall apply to the projects and funds authorized by this section; provided further, that no funds shall be expended without the approval of the commissioner of administration and the house and senate committees on ways and means; and provided, further, that failure to disapprove said expenditure within fourteen days of notification of said committees shall constitute approval by said committee.

SECTION 8. For the purposes of alleviating overcrowded conditions at Massachusetts Correctional Institution, Framingham, in as little time as possible while maintaining economy of construction, the deputy commissioner of capital planning and operations, with respect to the projects authorized by section four of this act and item 4315-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, may after consultation with the director of the office of project management or the director of the special correction unit, 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, 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 procedure 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 procedure 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 this recommendation a report to the general court specifying his reasons for determining that such recommended alternative method is necessary and feasible and setting forth a comparison of costs, time schedules, and the 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 service and elderly affairs, and the joint committee on state administration.

SECTION 9. For the purposes of section forty-two B of chapter seven of the General Laws, the deputy commissioner of the division of capital planning and operations is hereby authorized to design and construct the replacement facility for the Suffolk county house of correction at Deer Island in accordance with the alternative method recommended in a report by said deputy commissioner filed with the general court on March third, nineteen hundred and eighty-eight pursuant to section ten of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six.

SECTION 10. The deputy commissioner of the division of capital

planning and operations shall consult with the secretary of human services, the sheriff of Suffolk county and the penal commissioner of the City of Boston during such phases of the procurement of design and construction services for the replacement facility for the Suffolk county house of corrections at Deer Island as the deputy commissioner deems appropriate, including but not limited to the review of proposals, received in response to the request for proposals distributed in accordance with the alternative method recommended in a report by said deputy commissioner for the procurement of design and construction services for said replacement facility filed with the general court prior to the effective date of this act.

SECTION 11. The department of correction and at least five persons from affected communities to be appointed by the governor are hereby authorized to make an investigation and study of the community impact of minimum security and pre-release correctional institutions in the cities and towns in the geographic area of said, pre-release and minimum security correctional institutions. The study and investigation shall include, but not be limited to the following: the public safety impact of said institutions, the impact of pre-release and work release programs, and the impact and effect of overcrowded correctional facilities that are pre-release and minimum security. Said commission shall make a report, including its findings and recommendations, if any, to the clerk of the house of representatives by the first Wednesday in December, nineteen hundred and eighty-eight.

SECTION 12. To meet the expenditures necessary in carrying out the provisions of sections four and six of this act, the state treasurer, upon the 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 seventy-one million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Facilities Correction Loan Act of 1988, and shall be issued for the 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, in the year two thousand and eighteen. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 13. To meet the expenditures necessary in carrying out the provisions of section seventeen of this act, the state treasurer, upon the 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 four million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Facilities Correction Modular Loan Act of 1988, and shall be

issued for such maximum term of 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 may be payable later than June thirtieth, in the year two thousand and five. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 14. To meet the expenditures necessary in carrying out the provisions of section seven of this act, the state treasurer, upon the 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 ninety-four million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, County Facilities Correction Loan, Act of 1988, 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, in the year two thousand and eighteen. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 15. Any premium or accrued interest from the sale of bonds or notes payable from the several funds shall be applied respectively without appropriation to the payment of maturities and interest of said bonds and notes; provided, that assessments made under a bond or note authorization payable from the General Fund, wherein it is provided that said assessments shall be credited to the General Fund, shall, beginning July first, nineteen hundred and eighty-eight, be credited to the General Fund debt service account; and provided further, that any other receipts, disposition of which is not provided in the bond or note authorization, shall be credited to the respective fund debt service account.

SECTION 16. 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 notes, whether original or renewal, shall not be later that June thirtieth, nineteen hundred and ninety-eight. Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of this commonwealth.

SECTION 17. Item 4315-8841 of section 2B of chapter 723 of the acts of 1983 is hereby amended by inserting after the word "equipment" in line 4, the words:- ; provided, however, that the deputy commissioner of the division of capital planning and operations may designate this project as under the jurisdiction of the special correction unit as authorized in section twenty of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five.

SECTION 18. Section 5 of chapter 658 of the acts of 1986 is hereby amended by inserting after the word "land", in line 11, the words:- and provided, further, that none of the buildings constructed as part of said medium security correctional facility shall be located within the boundaries of the town of Lancaster.

SECTION 19. This act shall take effect upon its passage.

Approved July 14, 1988.

EMERGENCY LETTER: July 14, 1988 @ 3:32 P.M.

Chapter 121. AN ACT AUTHORIZING CERTAIN BOARD OF HEALTH MEMBERS TO ENGAGE IN SEPTIC TANK INSTALLATION IN CERTAIN AREAS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize board of health members to engage in septic tank installation in certain areas, 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 111 of the General Laws is hereby amended by inserting after section 26F the following section:-

Section 26G. In any city, town or district which accepts the provisions of this section notwithstanding the provisions of section seventeen of chapter two hundred and sixty-eight A, a septic system installer who is appointed or elected to the board of health may engage or work at the business of septic system installation within the area over which the board of health has jurisdiction while serving as a board member; provided, however, that neither the board of health member nor the board shall inspect a septic system installation done by said board of health member, or said member's partner, employer, employee or co-employee. The inspection of work so done shall be performed either by the board of health of another city, town or district or by a special assistant health agent who is appointed solely for the purpose of performing such inspections by the mayor of a city, the board of selectmen of a town or the governing board of a district. If the board of selectmen also serves as the board of health, said septic system installer shall not participate in the appointment of special assistant health agent.

This section shall take effect upon its acceptance in a city, by the vote of the city council, subject to the provisions of the charter of such city; in a town, by a vote of 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; and, in a district, by the vote as above provided of the cities and towns of the districts.

Approved July 14, 1988.

Chapter 122. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF SCITUATE 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 Scituate 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 holding the position of chief of police in the town of Scituate on the effective date of this act.

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

Approved July 14, 1988.

Chapter 123. AN ACT EXEMPTING THE TOWNS OF MILFORD, HOPEDALE AND MEDWAY FROM CERTAIN BIDDING PROCEDURES IN PROCURING MODULAR BUILDINGS FOR CLASSROOMS.

Be it enacted, etc., as follows:

SECTION 1. The towns of Milford, Hopedale and Medway are hereby authorized to procure, in accordance with the provisions of this act, not more than twenty-five modular buildings, each, for use as classrooms.

As used in this act, the term "modular buildings" shall mean a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor and a roof, designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation.

As used in this act, the term "procurement" shall mean the buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular

building including description of requirements, selection and solicitation of sources, preparation and award of the contract and all phases of contract administration.

The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws and sections forty-four A, forty-four B and forty-four E to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to this act.

A contract awarded pursuant to this act which is for an amount or estimated amount greater than one hundred thousand dollars shall be subject to the provisions of section thirty-nine R of chapter thirty of the General Laws. The towns of Milford, Hopedale and Medway shall procure the modular buildings authorized by this act using competitive sealed proposals.

The request for proposals shall include the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the towns of Milford, Hopedale and Medway; the purchase description and all evaluation criteria that will be utilized; and all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate document by reference, provided that the request for proposals specifies where prospective offerors may obtain the documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The towns of Milford, Hopedale and Medway shall make copies of the request for proposals available to all persons on an equal basis.

Every proposal shall be accompanied by either a copy of a certificate of eligibility issued by the deputy commissioner pursuant to section forty-four D of chapter one hundred and forty-nine for the fabrication of modular buildings, together with an update statement or a prequalification statement containing such information as the school committee or purchasing designee, in consultation with the deputy commissioner, shall prescribe. If the deputy commissioner determines that any offeror is not responsible or eligible, the school committee or purchasing designee shall reject such offer in writing.

Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the secretary of state, and in such other newspapers and trade periodicals as the towns of Milford, Hopedale and Medway customarily utilizes for the advertisement of construction contracts.

The proposals shall not be opened publicly, but shall be opened in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provision of section seven of chapter four, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall

not be disclosed to competing offerors. At the opening of proposals the school committee or purchasing designee for the towns of Milford, Hopedale and Medway shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The school committee or purchasing designee may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The school committee shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous or unacceptable and the reasons for the rating; a composite rating for each proposal, and the reasons for the rating; and revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The school committee or purchasing designee shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time set forth for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the towns of Milford, Hopedale and Medway or fair competition. The school committee or purchasing designee shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the school committee or purchasing designee shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The school committee or purchasing designee may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

The school committee or purchasing designee shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The school committee or purchasing designee shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The school committee or purchasing designee may condition and award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from

the contract.

If the school committee or purchasing designee awards the contract to an offeror who did not submit the lowest price, the school committee or purchasing designee shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the towns of Milford, Hopedale and Medway actual needs or that the anticipated performance of the selected offeror justifies the additional cost.

Prior to execution of the contract, the selected offeror shall furnish to the school committee or purchasing designee a performance bond satisfactory to the school committee or purchasing designee in the sum of fifty per cent of the contract price.

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

Approved July 14, 1988.

Chapter 124. AN ACT INCREASING THE PENALTIES FOR TRAFFICKING IN COCAINE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately increase the penalties for trafficking in cocaine, 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 32E of chapter 94C 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) Any person who trafficks in a controlled substance defined in clause (4) of paragraph (a) of Class B of section thirty-one by knowingly or intentionally manufacturing, distributing or dispensing or possessing with intent to manufacture, distribute or dispense or by bringing into the commonwealth a net weight of fourteen grams or more of a controlled substance as so defined, or a net weight of fourteen grams or more of any mixture containing a controlled substance as so defined shall, if the net weight of a controlled substance as so defined, or any mixture thereof is:

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

(2) Twenty-eight grams or more, but less than one hundred grams, be punished by a term of imprisonment in the state prison for not less than

five nor more than twenty years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of five years, and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

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

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

Approved July 14, 1988.

Chapter 125. AN ACT INCREASING THE PENALTIES FOR CERTAIN OFFENSES INVOLVING THE DISTRIBUTION AND SALE OF COCAINE AND OTHER RELATED SUBSTANCES, INCLUDING THE SALE OF SAME TO MINORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate controlled substances, 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 32A of chapter 94C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "phencyclidine", in line 24, the words:- or a controlled substance defined in clause (4) of paragraph (a) of class B of section thirty-one.

SECTION 2. Said section 32A of said chapter 94C, as so appearing, is hereby further amended by adding the following subsection:-

(d) Any person convicted of violating the provisions of subsection (c) after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute, or dispense a controlled substance, as defined in section thirty-one or of any offense of any other jurisdiction, either federal, state or territorial,

which is the same as or necessarily includes, the elements of said offense, shall be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than two thousand five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 3. Section 32F of said chapter 94C, as so appearing, is hereby amended by adding the following subsection:-

(d) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute or dispense a controlled substance as defined in clause (4) of paragraph (a) of class B of section thirty-one, to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years. No sentence imposed under the provisions of this section shall be for less than a minimum term of imprisonment of five years, and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 4. Section 32H of said chapter 94C, as so appearing, is hereby amended by striking out, in line 2, the words "paragraphs (b) and (c)" and inserting in place thereof the words:- paragraphs (b), (c) and (d).

Approved July 14, 1988.

Chapter 126. AN ACT RELATIVE TO REAL ESTATE TAX ABATEMENTS.

Section 4 of chapter 73 of the acts of 1986 is hereby amended by striking out, in line 23, the words "board of selectmen" and inserting in place thereof the words:- majority vote at a town meeting.

Approved July 14, 1988.

Chapter 127. AN ACT AUTHORIZING THE GRANBY TELEPHONE AND TELEGRAPH COMPANY OF MASSACHUSETTS TO BORROW AN ADDITIONAL SUM OF MONEY.

Be it enacted, etc., as follows:

The Granby Telephone and Telegraph Company of Massachusetts is hereby authorized to borrow an additional sum of money, not exceeding five hundred and nineteen thousand seven hundred and fifty dollars, and to execute bonds, notes or other evidences of indebtedness payable to any person, or to order and to deliver such bonds, notes or other

evidences of indebtedness in consideration of such loan, and to mortgage, pledge or hypothecate any or all of its assets as security therefor; provided, however, that all of the provisions of chapter one hundred and sixty-six of the General Laws, except as specifically otherwise provided herein, shall be applicable and shall govern such indebtedness or any part thereof, or bonds, coupon notes or other evidences of indebtedness issued hereunder, including specifically the provisions of sections four, five and six of said chapter one hundred and sixty-six.

Approved July 14, 1988.

Chapter 128. AN ACT RELATIVE TO GUIDELINES FOR THE VOLUN- TARY PLACEMENT OF CHILDREN IN FOSTER CARE.

Be it enacted, etc., as follows:

Subparagraph A of section 23 of chapter 119 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- Said judgment shall be exercised in accordance with guidelines and standards developed by said department and shall be reviewed by the executive office of human services.

Approved July 14, 1988.

Chapter 129. AN ACT AUTHORIZING ENERGY CONSERVATION FUNDING BY THE MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRIC COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 775 of the acts of 1975 is hereby amended by inserting before the definition of "Bonds" or "bond" the following definition:-

"Alternative energy facilities", shall include but not be limited to facilities powered in whole or in part by the sun, wind, water, biomass, refuse, alcohol, wood or any renewable non-depletable fuel, and cogeneration.

SECTION 2. Said section 1 of said chapter 775 is hereby further amended by striking out the definition of "Electric power facilities", or "electric power facility" and inserting in place thereof the following two definitions:-

"Electric power facilities" or "electric power facility", any system or facility including any energy conservation system or alternative energy facility, for the generation, transmission, transformation or conservation of electric power and energy by any means whatsoever, including,

without limiting the generality of the foregoing, any facility for processing refuse or other materials into fuel, with or without other by-products.

"Energy conservation systems", any projects, systems, programs and measures to promote or implement energy conservation, and as authorized in clause (p1/2) of section five.

SECTION 3. Section 5 of said chapter 775 is hereby amended by inserting after clause (p) the following clause:-

(p1/2) in addition to and not in derogation of any other authority previously granted under this act, jointly or separately to plan, finance, operate, use, share costs of, sponsor, publicize or otherwise participate in projects, systems, programs or measures to promote or implement energy conservation and load management including but not limited to energy-conserving or load reducing modifications of the maintenance and operating procedures of a building or facility or in the installation therein; energy-conserving modifications to windows and doors; caulking and weatherstripping; insulation; automatic energy control systems; load management systems; hot water systems; equipment required to operate variable steam, hydraulic and ventilating systems; plant and distribution system modifications, including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; replacement or modifications of lighting fixtures; energy recovery and recycling systems; and cogeneration systems or portions thereof; or research and development relating thereto within or without the commonwealth and to enter into and perform contracts with respect thereto if the corporation acquires or owns an interest as a tenant in common with others in any energy conservation system within the commonwealth the surrender or waiver by any such owner of such property of its right to partition such property for a period not exceeding the period for which the property is used or useful for electric utility purposes shall not be invalid and unenforceable by reason of length of such period, or as unduly restricting the alienation of such property.

Approved July 14, 1988.

Chapter 130. AN ACT RELATIVE TO THE ADMISSIBILITY OF HOSPITAL RECORDS AND MEDICAL REPORTS IN CERTAIN ACTIONS.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by striking out section 79G, as amended by chapter 540 of the acts of 1987, and inserting in place thereof the following section:-

Section 79G. In any proceeding commenced in any court, commission or agency, an itemized bill and reports, including hospital medical records, relating to medical, dental, hospital services, prescriptions, or

orthopedic appliances rendered to or prescribed for a person injured, or any report of any examination of said injured person, including, but not limited to hospital medical records subscribed and sworn to under the penalties of perjury by the physician, dentist, authorized agent of a hospital or health maintenance organization rendering such services or by the pharmacist or retailer of orthopedic appliances, shall be admissible as evidence of the fair and reasonable charge for such services or the necessity of such services or treatments, the diagnosis of said physician or dentist, the prognosis of such physician or dentist, the opinion of such physician or dentist as to proximate cause of the condition so diagnosed, the opinion of such physician or dentist as to disability or incapacity, if any, proximately resulting from the condition so diagnosed; provided, however, that written notice of the intention to offer such bill or report as such evidence, together 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, return receipt requested, not less than ten days before the introduction of same into evidence, and that an affidavit of such notice and the return receipt is filed with the clerk of the court, agency or commission forthwith after said receipt has been returned. Nothing contained in this section shall be construed to limit the right of any party to the action to summon, at his own expense, such physician, dentist, pharmacist, retailer of orthopedic appliances or agent of such hospital or health maintenance organization or the records of such hospital or health maintenance organization for the purpose of cross examination with respect to such bill, record and report or to rebut the contents thereof, or for any other purpose, nor to limit the right of any party to the action or proceeding to summon any other person to testify in respect to such bill, record or report or for any other purpose.

The words "physician" and "dentist" 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, but shall include chiropodists, chiropractors, optometrists, osteopaths, physical therapists, podiatrists, psychologists and other medical personnel licensed to practice 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 July 14, 1988.

Chapter 131. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY TEMPORARY AND PERMANENT EASEMENTS IN CERTAIN LAND UNDER THE CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT IN THE TOWNS OF SANDWICH AND BOURNE TO THE SANDWICH WATER DISTRICT.

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 convey by deed, approved as to form by the attorney general, temporary and permanent easements, on land within the Shawne-Crowell state park, located in the towns of Sandwich and Bourne, to the Sandwich water district, subject to the provisions of sections two through five 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:

A certain parcel of land in the towns of Sandwich and of Bourne, Barnstable County, Massachusetts, being a portion of land of the commonwealth of Massachusetts, department of environmental management.

Beginning at a point on the southerly sideline of Main Street (Route 130) southeasterly 257.93 feet from a concrete bound;

Thence, S 56°-22'-00" E thirty and no hundredths (30.00) feet along the southerly sideline of Main Street;

Thence, S 33°-54'-59" W one hundred fifty-six and forty-seven hundredths (156.47) feet;

Thence, S 51°-56'-02" W one hundred fifty-five and thirty-nine hundredths (155.39) feet;

Thence, S 46°-31'-32" W one hundred twenty-five and six hundredths (125.06) feet;

Thence, S 52°-21'-24" W two hundred six and sixty-four hundredths (206.64) feet;

Thence, S 42°-04'-15" W sixty-nine and fourteen hundredths (69.14) feet;

Thence, S 27°-28'-01" W ninety-four and fifty-three hundredths (94.53) feet;

Thence, S 16°-33'-01" W one hundred twenty-five and twelve hundredths (125.12) feet;

Thence, S 21°-16'-43" W one hundred three and sixty-four hundredths (103.64) feet;

Thence, S 24°-49'-22" W sixty-six and ninety-nine hundredths (66.99) feet;

Thence, S 29°-27'-04" W one hundred twenty-seven and sixty-four hundredths (127.64) feet;

Thence, S 35°-59'-19" W one hundred eighty-three and thirty-five

hundredths (183.35) feet;

Thence, S 48°-40'-26" W sixty and thirty hundredths (60.30) feet;

Thence, S 54°-30'-04" W one hundred twenty-one and ninety-seven hundredths (121.97) feet;

Thence, S 46°-34'-27" W fifty-five and eighty-two hundredths (55.82) feet;

Thence, S 20°-55'-27" W nineteen and four hundredths (19.04) feet;

Thence, N 46°-33'-54" W four hundred sixty and thirteen hundredths (460.13) feet;

Thence, N 45°-28'-09" W one hundred eight and twenty-two hundredths (108.22) feet to the town line between Bourne, MA and Sandwich, MA;

Thence, N 45°-28'-09" W four hundred seventeen and thirty-four hundredths (417.34) feet;

Thence, N 52°-40'-38" W two hundred five and thirty hundredths (205.30) feet;

Thence, N 65°-45'-57" W four hundred fifty-four and twenty-two hundredths (454.22) feet;

Thence, S 53°-36'-09" W one hundred fifty-four and seventeen hundredths (154.17) feet;

Thence, S 61°-56'-57" W one hundred twenty and seventy-three hundredths (120.73) feet;

Thence, S 25°-29'-03" W eighty-one and seven hundredths (81.07) feet;

Thence, S 44°-20'-51" W ninety and six hundredths (90.06) feet;

Thence, S 62°-56'-15" W one hundred twenty-eight and forty hundredths (128.40) feet;

Thence, S 17°-09'-21" W two hundred thirty and sixteen hundredths (230.16) feet;

Thence, N 72°-50'-39" W two hundred and no hundredths (200.00) feet;

Thence, N 17°-09'-21" E two hundred fifty and no hundredths (250.00) feet;

Thence, S 72°-50'-39" E one hundred sixty-eight and thirty-seven hundredths (168.37) feet;

Thence, N 62°-56'-15" E one hundred fifty and ninety-nine hundredths (150.99) feet;

Thence, N 44°-20'-51" E sixty and forty-seven hundredths (60.47) feet;

Thence, N 25°-29'-03" E eighty-five and ninety-seven hundredths (85.97) feet;

Thence, N 61°-56'-57" E one hundred twenty-eight and forty-three hundredths (128.43) feet;

Thence, N 53°-36'-09" E one hundred sixty-nine and fifty-three hundredths (169.53) feet;

Thence, S 65°-45'-57" E four hundred seventy-five and twenty hundredths (475.20) feet;

Thence, S 52°-40'-38" E two hundred ten and sixty-three hundredths (210.63) feet;

Thence, S 45°-28'-09" E three hundred ninety-nine and twenty-one hundredths (399.21) feet to the town line between Bourne, MA and Sandwich, MA;

Thence, S 45°-28'-09" E one hundred twenty-seven and ninety-six

hundredths (127.96) feet;

Thence, S 46°-33'-54" E four hundred twenty-three and nineteen hundredths (423.19) feet;

Thence, N 46°-34'-27" E forty-seven and twelve hundredths (47.12) feet;

Thence, N 54°-30'-04" E one hundred twenty-two and fifty-two hundredths (122.52) feet;

Thence, N 48°-40'-26" E fifty-five and forty-four hundredths (55.44) feet;

Thence, N 35°-59'-19" E one hundred seventy-eight and thirty hundredths (178.30) feet;

Thence, N 29°-27'-04" E one hundred twenty-four and seventy-one hundredths (124.71) feet;

Thence, N 24°-49'-22" E sixty-four and eighty-five hundredths (64.85) feet;

Thence, N 21°-16'-43" E one hundred one and forty-eight hundredths (101.48) feet;

Thence, N 16°-33'-01" E one hundred twenty-six and seventy-five hundredths (126.75) feet;

Thence, N 27°-28'-01" E one hundred one and twenty-four hundredths (101.24) feet;

Thence, N 42°-04'-15" E seventy-five and sixty-eight hundredths (75.68) feet;

Thence, N 52°-21'-24" E two hundred seven and eighty-one hundredths (207.81) feet;

Thence, N 46°-31'-32" E one hundred twenty-four and ninety-four hundredths (124.94) feet;

Thence, N 51°-56'-02" E one hundred fifty-two and five hundredths (152.05) feet;

Thence, N 33°-54'-59" E one hundred fifty-one and fifty-seven hundredths (151.57) feet to the point of beginning and containing 100,539 square feet of land in the Town of Bourne, MA. and containing 66,304 square feet of land in the Town of Sandwich, MA. as shown on an Easement Plan of Land by Whitman & Howard, Inc. dated December 3. 1987.

SECTION 2. No deed conveying by or on behalf of the commonwealth the easements described in section one shall be valid unless such deed provides that said easements shall be used for the purpose of constructing a water storage tank and appurtenances, relative to water service distribution and accessibility, and the operation and maintenance of said storage tank, appurtenances and access road, to include the vehicular passage and access of Sandwich water district personnel.

SECTION 3. The Sandwich water district shall assume the costs of appraisals, surveys and other expenses, as deemed necessary by the deputy commissioner for the granting of this easement.

SECTION 4. The consideration for such temporary and permanent easement conveyances shall be the fair market value of said parcel, as

determined by an independent appraisal, and paid either in funds, an exchange of land, municipal services, or a combination, thereof. Said consideration to be agreed upon by the Sandwich water district and the deputy commissioner in consultation with the department of environmental management.

SECTION 5. In the event that the above mentioned easements are not used for the purposes described in section one within three years of the effective date of this act, or if the Sandwich water district ceases to use the easements for such purpose at any time, the easements shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

Approved July 14, 1988.

Chapter 132. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE AN EASEMENT IN THE TOWN OF BELLINGHAM FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations acting for and on behalf of the commonwealth, is hereby authorized, subject to the provisions of sections forty E to forty J of chapter seven of the General Laws, to acquire by eminent domain, by purchase or otherwise, a permanent easement for highway purposes over a certain parcel of public land located in the town of Bellingham which is being used by said town for town hall purposes and to transfer the care, custody and control of said easement to the department of public works for highway purposes.

Said easement is more particularly bound and described as follows:-

PARCEL 4-E-1. A parcel of land supposed to be owned by the town of Bellingham and bounded by the line described as follows: Beginning at a stone bound on the easterly location line of North Main Street (route 126) and extending thence following said location line N 23% 31' 38" W 10.59 feet; thence leaving said location line N 83% 09' 22" E 10.65 feet; thence S 21% 59' 17" E 47.21 feet; thence S 68% 00' 43" W 10. feet; thence S 21% 59 17" E 47.21 feet; thence S 68% 00' 43" W 10. feet to a point on the easterly location line of Mechanic Street (route 140); thence in part following said location, and in part following the aforesaid location line of North Main Street N 21% 59' 17" W 37.50 and 1.91 feet respectively.

Containing about 488 square feet.

The parcel of land over which this easement is to be acquired is shown on a plan entitled "Plan of Road in the Town of Bellingham, Norfolk County, altered and laid out as a State Highway by the Department of Public Works" which plan is to be kept on file with the chief engineer of the department of public works.

Approved July 14, 1988.

Chapter 133. AN ACT RELATIVE TO EMINENT DOMAIN POWERS OF ELECTRIC AND GAS COMPANIES.

Be it enacted, etc., as follows:

Section 69R of chapter 164 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "sixty-nine I", in line 5, the following words:- or a bulk power supply substation.

Approved July 14, 1988.

Chapter 134. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN LANDS IN THE CITY OF BOSTON FROM THE MASSACHUSETTS PORT AUTHORITY FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The deputy commissioner of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized, subject to the provisions of section forty E through forty J of chapter seven of the General Laws, to acquire by eminent domain, purchase or otherwise, in the name of the commonwealth, land or rights in land from the Massachusetts Port Authority within the hereinafter described parcels located in the commonwealth flats area of the city of Boston and to transfer the care, custody and control of said land or rights in said land to the department of public works for highway purposes in conjunction with construction of the depressed central artery and third harbor tunnel project, so-called.

Upon determination by the department of public works that any portion of said land or said rights in land within the hereinafter described parcels is no longer needed for highway purposes, the deputy commissioner of capital planning and operations is authorized to convey back said land or said rights in land to the Massachusetts Port Authority.

Said parcels are more particularly bounded and described as follows:-

Beginning at a point located at the projected surface intersection of the northeasterly sideline of Summer Street with the northwesterly sideline of World Trade Center Viaduct, thence, leaving said point, north 35 degrees east 221 feet to a point, thence, leaving said point north 49 degrees west 25 feet to a point, thence, leaving said point north 35 degrees east 316 feet to a point, thence, leaving said point south 51 degrees east 715 feet along the northeasterly sideline of railroad track described in an instrument from the Consolidated Rail Corporation to the Massachusetts Port Authority, recorded in Suffolk Registry of Deeds,

in Book 10743 - Page 9, as Track no. 61, to a point, thence leaving said point south 63 degrees east 352 feet to a point, thence, leaving said point south 85 degrees east 225 feet to a point, thence, leaving said point north 29 degrees east 180 feet to a point, thence, leaving said point south 62 degrees east 419 feet to a point, thence, leaving said point north 35 degrees east 197 feet to a point, thence, leaving said point south 55 degrees east 69 feet to a point, thence, leaving said point south 35 degrees west 975 feet to a point, thence leaving said point north 53 degrees west 182 feet to a point, thence leaving said point, south 50 degrees west 18 feet to a point, thence leaving said point by a curve to the left of 650 feet radius 176 feet to a point, thence leaving said point, south 36 degrees west 194 feet to a point, thence leaving said point north 49 degrees west 639 feet to a point, thence leaving said point north 55 degrees west 700 feet to the point of beginning.

Said parcels containing 1,067,000 square feet more or less.

Said parcels are shown on a plan entitled "Massachusetts Port Authority, Portion of Commonwealth Flats Area, City of Boston, Land to be Conveyed to the Massachusetts Department of Public Works" plan number PW-SK-GD-001 dated January 28, 1988 and prepared by Bechtel/Parsons Brinckerhoff, which plan shall be kept on file with the chief engineer of the department of public works.

Approved July 14, 1988.

EMERGENCY LETTER: July 14, 1988 @ 3:32 P.M.

Chapter 135. AN ACT ESTABLISHING THE NORTHERN BERKSHIRE SOLID WASTE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established the Northern Berkshire Solid Waste Management District, a public body politic and corporate, hereinafter referred to as the district. Said district shall function as a regional solid waste management district and in addition to or as limited by the powers and responsibilities provided pursuant to this act, shall have the powers and responsibilities provided to regional solid waste management districts pursuant to sections forty-four A to forty-four K, inclusive, of chapter forty of the General Laws.

The district is created and shall exist for the purpose of providing solid waste management services for its member municipalities and the residents thereof through the district's removal, transportation, disposal, recovery, recycling, or any combination thereof, of solid wastes generated within the district. The district may also contract with other municipalities outside of said district for removal, transportation, disposal, recovery, recycling, or any combination thereof, of solid wastes generated within such municipalities.

The district is composed of and includes all of the lands and residents within the towns of Adams, Cheshire, Clarksburg, Florida, Hancock, Lanesborough, New Ashford, Savoy, Windsor, Williamstown and the city

of North Adams which, by vote at an annual or special town meeting, or by vote of the city council in the case of North Adams, accept this act and hereby agree to participate in its creation and such other municipalities as are subsequently admitted to the district pursuant to the provisions of this act. The municipalities composing the district shall constitute its membership and are herein designated as member communities. Acceptance of the provisions of this act shall be in accordance with the terms of the agreement reached among the individual municipalities at the time of formation of the district. This provision of this act must be accepted within ninety days of its adoptions. Municipalities which do not accept this act within the initial ninety day period must apply for membership as provided in section five.

Except as otherwise provided or limited herein, the district shall have the following powers:

(a) to operate, cause to be operated, or contract for the operation of any and all facilities for the transportation, resource recovery, recycling and disposal of solid wastes and to determine and make proper charges for such services;

(b) to purchase, sell, lease, own, acquire, convey, mortgage, improve, and use real and personal property in connection with the purposes of the district;

(c) to hire and fix the compensation of employees;

(d) to sue and be sued;

(e) to enter into contracts for any term or duration;

(f) to contract with architects, engineers, financial and legal consultants, and other experts for services;

(g) to contract with individuals, corporations, associations, authorities, agencies, and municipalities for any and all services;

(h) to contract to pay for solid waste disposal services on the basis of guaranteed amounts of solid waste with payments based on such guaranteed amounts, whether actually disposed of or not, which payments may be variable and may be determined by formulas expressed in such contracts, provided, however, that said payments shall be authorized with an affirmative vote by two-thirds of the board of commissioners and two-thirds of the member municipalities;

(i) to contract with the commonwealth or the United States of America, or any agency, department or subdivision thereof for services;

(j) to contract with any member municipality for the services of any property, officers or employees of that municipality useful to it;

(k) to promote cooperative arrangements and coordinated action among its member municipalities;

(l) to make recommendations for review and action to its member municipalities;

(m) to exercise any other powers which are exercised or are capable of exercise by any of its member municipalities and which are necessary or desirable for dealing with solid waste problems of mutual concern;

(n) to exercise the power of eminent domain pursuant to chapter seventy-nine, or acquire by purchase or otherwise, any land, property, rights-of-way or easements, public or private in said district, necessary for accomplishing any of the purposes of the act.

(o) to borrow money and issue evidence of indebtedness as provided herein and as provided in chapter forty-four of the General Laws; provided, however, that said debt shall be authorized by two-thirds vote of the board of commissioners and two-thirds vote of the member municipalities.

(p) to establish a budget and assess member municipalities for the expense of the district subject to provisions of section twenty B of chapter fifty-nine of the General Laws;

(q) to appropriate and expend monies;

(r) to establish capital reserve funds for public improvements in furtherance of its purpose;

(s) to prevent the discharge into the disposal facilities of substances which may damage or interfere with its maintenance of operation. The district shall, for the proper and reasonable operations of its works, make regulations as to the quantity and character of any refuse or other solid wastes discharged into any disposal facility under its control. The district may prohibit discharge into any disposal facility under its control of certain unique industrial refuse and solid wastes if the commission determines such refuse and wastes may interfere or damage the disposal facility or interfere with its maintenance or operation or not be in compliance with the Environmental Protection Agency or the department of environmental quality and engineering regulations. The responsibility for disposal of such unique waste or for their modification to allow disposal in district facilities shall rest with the producers thereof.

(t) to sell by negotiation to the participating members of the district any property, including land, acquired by it hereunder which in its opinion is no longer needed in the performance of the powers and duties conferred and imposed on it by this act; provided however, that any land is first made available to the town in which it is located, and in the case of machinery, member municipalities shall have a priority of bid purchase at a reasonable price.

(u) to enter upon lands for the purpose of making surveys, borings, and may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, the right to occupy any land in said district necessary for the carrying out of the said purposes.

(v) to enact and enforce any and all necessary or desirable regulations for the orderly conduct of the government and for carrying out purposes of the district;

(w) to accept and administer gifts, grants, and bequests in trust or otherwise for the purpose of the district;

(x) to exercise all powers incident to a public corporation.

SECTION 2. The legislative power and authority of the Northern Berkshire Solid Waste District and the administration and general supervision of all fiscal, prudential and governmental affairs thereof shall be vested in a Board of Commissioners, hereafter referred to as the board, except as specifically provided otherwise in this act.

The board shall be comprised of one member as representative from each of the district's municipalities.

Every two years, beginning with acceptance of this act, and by July 1st thereafter, each member municipality shall appoint its representative to the board. The board of selectmen of each member town shall appoint a representative who shall be one of the selectmen, or their designee if the selectmen decline to serve. The mayor of any city in said district shall likewise be a representative, or may appoint a designee. Designees must be residents of the appointing municipality and may be municipal employees, but not employees of the district.

For the purposes of transacting business, the presence of members whose accumulated votes represent at least fifty per cent of the total number of possible votes and at least fifty per cent of the member municipalities shall constitute a quorum; provided, however, that a smaller number may adjourn to another date. Any action adopted by a majority of the votes cast at a meeting of the board at which a quorum is present shall be the action of the board, except as otherwise provided by this act.

Each member of the board shall be entitled to cast one vote for every one hundred residents as defined by the latest official state census, rounded to the nearest one hundred, in the municipality which he represents.

The board shall adopt, and from time to time amend by-laws and policies describing and stipulating its organization and operations.

The board shall appoint and determine the compensation of an executive director who shall administer the affairs and direct the engineering work of the district as approved by the board. Said director to function as chief executive officer of the district. The board shall set forth the powers and duties of the executive directors in its by-laws. The executive director may, upon approval of the board, enter into contracts for professional or construction services to be provided to the district by private contractors.

SECTION 3. The officers of the district shall be the chairman and the vice chairman of the board. No person may hold more than one office at one time.

Prior to assuming their offices, all officers shall post bond in such amounts as shall be determined by resolution of the board. The cost of such bond shall be borne by the district.

The chairman shall call and preside at all meetings of the board. The chairman shall perform all of the duties incident to the position and office, including functioning as chief executive officer in the absence of one employed by the district.

During the absence or inability of the chairman to render or perform his duties or exercise his powers, the same shall be performed and exercised by the vice chairman and when so acting the vice chairman shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the chairman.

During the absence or inability of either the chairman or vice chairman to render or perform his duties or exercise his powers, the board shall elect from among its membership an acting chairman or vice chairman who shall have all the powers and be subject to all the

responsibilities hereby given to or imposed upon the chairman or vice chairman.

The board shall appoint and may at its pleasure remove a treasurer and a clerk, who shall not be members of the board. Both offices, if the board deems it advisable, may be held by the same person, either or both may be held by the executive director. The treasurer shall give to the board a bond payable to the district with a surety company authorized to transact business within the commonwealth and satisfactory to the board as surety in such sums as the board may prescribe and conditioned on the faithful performance of his duties cost of said bond to be borne by the district. The duties of the treasurer and clerk shall be those usually appertaining to said offices, respectively, and in addition such as may from time to time be prescribed by the board. The compensation of the treasurer and of the clerk shall be determined by the board. The board may retain legal counsel for any and all appropriate purposes. The executive director, with the approval of the board, shall from time to time appoint or employ such other employees as he deems necessary and shall determine their duties. The salaries or compensation of all persons appointed or employed under authority of this section shall be determined by the board and together with other expenses shall be paid by the district and shall be considered a part of the expense of maintenance of the district.

The board shall establish an office in which its business may be conducted and at which maps, plans, documents, records, and other paper relating to its business, land and other works and property in its charge shall be kept. It shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open at all times to inspection by the towns who are members of the district or by any officer or duly appointed agent of the commonwealth. The board shall make a report each year of its activities for the preceding year as well as an audit to be performed by an independent professional accounting firm annually and shall submit a copy of each to the state auditor and to the participating towns.

The board shall have the authority to establish any and all committees as it may deem necessary.

Board members may be reimbursed for actual expenses incurred in performance of their duties on approval of the board. The fiscal year of the district shall commence on July 1 and end on June thirtieth of each year.

(a) Annually on or before the first day of March, the board of commissioners shall prepare and distribute to each member municipality for review and comment an annual report of its activities, including a proposed budget of the district for the next fiscal year. The proposed budget shall include reasonably detailed estimates of: (1) deficits or surpluses from prior fiscal years; (2) anticipated expenditures for the administration of the district; (3) anticipated expenditures for the operation and maintenance of any district solid waste facilities; (4) cost of debt service; (5) payments due on long-term contracts; (6) payments due to any capital reserve funds; (7) anticipated revenues from sources other than assessments to member municipalities; (8) the necessary

appropriations to operate and carry out the district's function for the next fiscal year; (9) the proposed assessment to each member municipality; and (10) such other estimates as the board of commissioners shall deem necessary to propose. The board of commissioners shall hold an annual public hearing each year to receive input from the member municipalities and hear all other interested persons regarding the proposed budget. Notice of such hearing shall be given at least seven days prior to the hearing by publication in a newspaper of general circulation in the district, by posting in at least three public places in each member municipality, and by filing with the town or city clerk of each member municipality. The board of commissioners shall give consideration to all comments received and make such changes to the proposed budget as it seems advisable.

(b) Annually on or before April first, the board of commissioners shall, by two-thirds vote, adopt a budget to appropriate the sums which it deems necessary to operate carry out the district's functions for the fiscal year, assess a tax upon each member municipality, subject to acceptance by two-thirds of the member municipalities, for its proportionate share of the sum appropriated and adopt a schedule designating when such taxes are due and payable by the member municipalities. Each amount so apportioned for each member shall, prior to March thirty-first in each year be certified by the board of assessors of each member of such district. The assessors of each member town shall without further vote include each amount as certified in those amounts to be annually raised by taxes under section twenty-three of chapter fifty-nine of the General Laws. The town or city treasurer shall pay equal quarterly payments payable the amount so certified to the treasurer of the district of the then taxable year. A town which has been assessed shall raise all or a portion of the amounts certified annually by the district to the assessors of each town, as provided in this act, through equitable and proportional charges against the inhabitants, corporations and other users of the service rendered by the district in each town.

(c) Taxes shall be apportioned according to the by-laws adopted by the board of commissioners.

(d) For the purposes of establishing an initial budget, the member municipalities upon acceptance of this act shall pay to the district an amount equal to one dollar per citizen of that municipality as of the nineteen hundred and eighty-five Census. The district may, by regular vote after a public hearing, establish its budget for the first fiscal year prior subsections of this section notwithstanding. The first fiscal year's budget shall not be construed as a base assessment to calculate the following years budget.

Annually on or before the first day of August, the treasurer of the district shall issue and present a warrant to each member municipality requiring that the amount of such tax be paid to him in accordance with the schedule for payments adopted by the board. If any member municipality shall fail to pay when due any tax assessed against it by the district, it shall incur a penalty of interest for late payment at one point five per cent per month. Such penalty and interest, together with the

amount due, court costs, and reasonable attorney fees of the district, may be recovered by the district in a civil action under this section.

Action or resolution of the board for the annual appropriations in any year shall not cease to be operative at the end of the fiscal year for which they were adopted except as otherwise provided by the laws of the commission. Appropriations made by the board shall be expended only for such estimates, but by majority vote of the board the budget may be amended from time to time to transfer funds between or among such estimates, except as otherwise limited herein. Any balance left or unexpended in any such estimate shall be returned at the end of the fiscal year to the general fund of the district. The amount of any deficit at the end of the fiscal year shall be included in and paid out of the operating budget and appropriations in the next fiscal year.

(a) The board may borrow money through the issuance of notes of the district for the purpose of paying current expenses of the district in accordance with the General Laws. Such notes, however, must mature within the fiscal year in which they were issued. The board may also borrow money in anticipation of taxes it assessed for each such year and may issue note of the district which must mature within the fiscal year in which they were issued. The board may also borrow money in anticipation of any revenues other than taxes through the issuance of notes of the district. Such notes, however, must mature within the fiscal year in which they were issued.

(b) Indebtedness incurred by the district for regional 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 board of commissioners, 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 the board of commissioners. 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.

The board may establish and provide for a capital reserve fund to pay for public improvements in furtherance of the purposes for which the district was created. Any such capital reserve fund shall be kept in a separate account and invested as are other public funds and may be expended for such purposes for which established, or other purposes. The cost of payments to any capital reserve fund shall be included in the annual budget of the district and shall be allocated among the member municipalities as provided in clause 2c of section 4.

The board may from time to time establish and adjust a disposal fee structure for the purpose of generating revenues from sources other than assessments to member municipalities, particularly concerning the

operation and maintenance of any district solid waste disposal or resource recovery facility.

The costs and responsibility heretofore assigned to member municipalities for the transportation of the solid waste generated within each municipality to any district solid waste disposal or resource recovery facility and for providing a collection site for the solid waste generated within each municipality shall remain each member municipality's cost and responsibility.

Only persons authorized by the board shall be allowed access to any district solid waste disposal and/or resource recovery facility. Further restriction of vehicular access to such a facility may be imposed by the board.

SECTION 4. A member municipality may by vote of its legislative body withdraw from the district if two years have passed since it became a body politic and corporate, and if the district has not voted to bond for construction and improvements or to authorize a long-term contract pursuant to this agreement. If a majority of the voters of a member municipality's legislative body present and voting at a meeting of such municipality duly warned, or of the city council, for such purpose shall vote to withdraw from the district, the vote shall be certified to the district by the city or town clerk. Thereafter, the board shall give notice to the remaining member municipalities of the vote to withdraw and shall hold a meeting discuss the withdrawal pursuant to Section 4 and to determine if it is in the best interests of the district to continue to exit. Representatives of the member municipalities shall be given an opportunity to be heard at such meeting together with any other interested persons. The membership of the withdrawing municipality shall terminate as of one year following the vote to withdraw or as soon after such one year period as the financial obligations of said withdrawing municipality have been paid to the district. A vote of withdrawal taken after the district has voted to bond itself for construction and improvements or to authorize a long-term contract shall likewise be null and void.

The board may authorize the inclusion of additional member municipalities in the district upon such terms and conditions as it in its sole discretion shall deem to be fair, reasonable, and in the best interests of the district. The legislative body of any non-member municipality which desires to be admitted to the district shall make application for admission to the board of the district. The board shall determine the effects and impacts which are likely to occur if such municipality is admitted and shall thereafter either grant or deny authority for admission of the petitioning municipality. If the board grants such authority, it shall also specify any terms and conditions, including but not limited to financial obligations upon which such admission is predicated. If a majority of the voters of the petitioning municipality present and voting at a meeting of such municipality duly warned for such purpose shall vote to approve the agreement and the terms and conditions for admission, the vote shall be certified by the clerk of that municipality to the board. Thereafter upon satisfactory performance of

the terms and conditions for admission, said municipality shall by resolution of the board become and thereafter be a member municipality of the district.

(A) If the board by resolution approved by two-thirds of all the votes entitled to be cast determines that it is in the best interests of the public, the member municipalities and the district that the district be dissolved, and if the district then has outstanding debt or obligations under long-term contracts, or will have no such debt or obligations upon completion of the plan of dissolution, it shall prepare a plan of dissolution and thereafter adopt a resolution direction that the question of such dissolution and the plan of dissolution be submitted to the voters member municipalities. If the member municipalities representing two-thirds of the votes of the district as vote to approve the plan of dissolution, the district shall cease to conduct its affairs except insofar as may be necessary for the winding up thereof. The board shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the district and shall proceed to collect the assets of the district and apply and distribute them in accordance with the plan of dissolution.

(B) The plan of dissolution shall:

(1) identify and value all unencumbered assets of the district;

(2) identify and value all encumbered assets of the district;

(3) identify all creditors of the district and the nature or amount of all liabilities and obligations of the district;

(4) identify all obligations under long-term contracts;

(5) specify the means by which assets of the district shall be liquidated and all liabilities and obligations of the district shall be paid and discharged, or adequate provision shall be made for the satisfaction thereof;

(6) specify the amount of monies due from each member municipality, if necessary, to extinguish the liabilities of the district;

(7) specify the nature and amount of any liabilities of obligations to be assumed and paid by the member municipalities;

(8) specify the means by which any assets remaining after discharge of all liabilities shall be liquidated if necessary;

(9) specify that any assets remaining after payment of all liabilities shall be apportioned and distributed among the member municipalities according to the same basic formula used in apportioning the annual assessments of the district.

(C) When the plan of dissolution has been implemented, the board shall adopt a resolution certifying that fact to the member municipalities whereupon this agreement and the district created hereby shall be terminated, upon vote of the general court.

SECTION 5. This act may be submitted for approval at any annual or special town meeting of the towns eligible for special town meeting of the towns eligible for membership as provided in section one. The following question shall be placed on the warrant: "shall the town become a member of the Northern Berkshire Solid Waste District?" Acceptance by a majority of those present and voting in the affirmative

at said meeting shall make said town a member of the district. In the case of a city, this act may be accepted by a majority vote of the city council at a regular or special meeting called for that purpose. The provisions of this act shall not take effect until acceptance by at least two municipalities. The initial organization of the board of commissioners shall take place within thirty days after the acceptance by two or more municipalities.

Approved July 14, 1988.

Chapter 136. AN ACT AUTHORIZING THE CITY OF LOWELL TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, to Barretto Granite Corp., a corporation organized under the laws of New Hampshire, an unpaid bill incurred by said city in the amount of eighteen thousand five hundred dollars, said bill being legally unenforceable against said city and as are certified for payment by the department of veterans' services wherein said bill was contracted; provided, that the money so appropriated to pay such said bill shall be raised by taxation or made available from the unappropriated surplus funds of the city.

SECTION 2. No bill shall be approved by the auditor of said city for payment or paid by the treasurer thereof under the authority of this act unless and until a certificate has been signed and filed with said auditor, stating under the penalties of perjury that the services and supplies for which said bill has been submitted were ordered by an official or an employee or agent of said city and that such services and supplies were rendered to said city or official or agent.

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 city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its acceptance by the city of Lowell during the current year.

Approved July 14, 1988.

Chapter 137. AN ACT FURTHER REGULATING THE RIGHTS OF STUDENTS TO FREE EXPRESSION IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 86, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 86. The provisions of sections eighty-three to eighty-five, inclusive, shall apply only to cities and towns which accept the same.

Approved July 14, 1988.

Chapter 138. AN ACT RELATIVE TO THE OFFICE OF TREASURER-COLLECTOR OF TAXES IN THE TOWN OF HUBBARDSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 444 of the acts of 1987 is hereby amended by inserting after the word "established", in line 6, the words:- ; provided, however, that the board of selectmen may, at any time it deems it prudent, appoint separate individuals to hold the separate positions of treasurer and collector, each of whom shall be appointed as aforesaid.

SECTION 2. This act 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 July 14, 1988.

Chapter 139. AN ACT RELATIVE TO CERTAIN FINANCIAL CONDITIONS IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Holyoke is hereby authorized to borrow at one time or from time to time, a sum in the aggregate not exceeding four million dollars from the commonwealth for the purpose of maintaining and operating the city while it adjusts the level of its operating expenses and operating revenues so as to achieve fiscal stability. No interest shall be payable by the city on account of such loan.

Such loan shall be repaid to the commonwealth in ten equal installments commencing with the fiscal year nineteen hundred and

ninety, or in accordance with a schedule providing for a more rapid amortization of the loan balance, as determined by the mayor of the city. The state treasurer shall deduct and withhold the amount of principal due the commonwealth in any year on account of such loan from the distribution of aid payable to the city of Holyoke pursuant to chapter fifty-eight and chapter seventy of the General Laws.

Debt incurred under authority of this act shall not be included in determining the limit of indebtedness of the city as established by law.

SECTION 2. All proceeds of any loan authorized by section one shall be deposited in a separate fund which shall be set up on the books of the city and maintained separate and apart from all other funds and accounts of the city. Such fund shall be called the City of Holyoke Finance Control Fund of 1988, hereinafter referred to as the Fund. Disbursements shall be made from the Fund in accordance with the provisions of this section only if the board established by section three is satisfied that the city has taken all feasible steps to insure the availability of adequate revenues to support its operating budgets in subsequent fiscal years.

In fiscal years nineteen hundred and eighty-nine and nineteen hundred and ninety, the finance control board established under the provisions of section three, acting on a request of the mayor and the board of aldermen, may authorize disbursements from said Fund to the city's general fund by a majority vote before the fixing of the city's tax rate, to the extent such disbursements are needed to balance the city budget; provided, however, the aggregate amounts of such disbursements shall not exceed two million dollars in either fiscal year unless the disbursements in excess of two million dollars for a given fiscal year shall be approved by a three-fourths vote of said finance control board. The amount of any such approved disbursements from said Fund shall be used by the city as an estimated receipt in establishing the tax rate for the fiscal year for which the disbursement is approved.

If on June thirtieth, nineteen hundred and ninety any amount borrowed under authority of section one remains undisbursed for the purposes provided herein, such undisbursed amount shall be returned to the commonwealth, and the amount due the commonwealth by the city of Holyoke on account of borrowing pursuant to said section one shall be diminished by the amount of such reversion.

SECTION 3. Prior to the issuance of any loan from the commonwealth to said city of Holyoke under authority of section one, there shall be established in the executive office for administration and finance, a city of Holyoke finance control board consisting of the secretary of administration and finance, or his designee; the commissioner of education or his designee; the commissioner of revenue, or his designee; the director of accounts, or his designee; the mayor of the city of Holyoke; president of the board of aldermen, or his designee; and a representative of the Holyoke business community, to be selected by the governor.

Said board shall promote the implementation of appropriate initiatives

to secure the financial stability of said city of Holyoke. Said board is further empowered to approve disbursements from the Fund established by section two solely for the purposes provided in said section two. Said board shall be disbanded on June thirtieth, nineteen hundred and ninety unless continued by a majority vote of the members of said board.

SECTION 4. This act shall take effect on or after July first, nineteen hundred and eighty-eight and upon acceptance by the mayor and board of aldermen of the city of Holyoke.

Approved July 14, 1988.

Chapter 140. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-NINE PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the amount of two hundred eighty-three million seven hundred and fifty thousand dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and eighty-nine to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and eighty-nine fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, for other necessary services, and for meeting certain requirements of law; provided however, that said sum may be expended, without further appropriation, pursuant to schedules prepared by the secretary of administration and finance and filed prior to expenditure with the house and senate committees on ways and means; provided, further, that the authorization contained herein shall cease to be operative as of the effective date of the general appropriations act for the nineteen hundred and eighty-nine fiscal year and all actions taken under this section shall apply against said general appropriations act.

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

Approved July 14, 1988.

Chapter 141. AN ACT RELATIVE TO AMENDMENTS TO PLEADINGS IN CIVIL PROCEEDINGS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to amendments to pleadings in civil proceedings, 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 231 of the General Laws is hereby amended by striking out section 51, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 51. In all civil proceedings, the court may at any time, allow amendments adding a party, discontinuing as to a party or changing the form of the action, and may allow any other amendment in matter of form or substance in any process, pleading or proceeding, which may enable the plaintiff to sustain the action for the cause or for recovery for the injury for which the action was intended to be brought, or enable the defendant to make a legal defense. Any amendment allowed pursuant to this section or pursuant to the Massachusetts Rules of Civil Procedure shall relate to the original pleading.

SECTION 2. This act shall apply to all actions pending as of its effective date, as well as all actions commenced on or after its effective date.

Approved July 14, 1988.

Chapter 142. AN ACT FURTHER REGULATING PALMER FIRE DISTRICT NUMBER ONE OF PALMER.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 543 of the acts of 1920 is hereby amended by striking out, in line 2, the words "of Palmer" and inserting in place thereof the words:- and Palmer Water District Number One.

SECTION 2. Section 9 of said chapter 543 is hereby amended by adding the following paragraph:-

The rates established by the district for supplying water in accordance with the provisions of this act shall be used to pay the current expenses of the district with regard to water supply purposes, to provide funds for paying the cost of all necessary maintenance, repairs, replacements and renewals of the water system and for any capital improvements to said water system. No monies collected for water supply purposes shall be used or expended for fire district purposes.

SECTION 3. Said chapter 543 is hereby further amended by inserting after section 9 the following section:-

Section 9A. All monies necessary for the fire district purposes of the district shall be raised by taxation in accordance with the provisions of section sixty-nine of chapter forty-eight of the General Laws and no such monies so raised shall be used or expended for the water supply purposes of said district.

Approved July 14, 1988.

Chapter 143. 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 J. McCabe, II, as he is an attorney licensed to practice in the commonwealth in the town of Lenox on September eighteenth, nineteen hundred and eighty-eight between Thomas Eugene Hitchcock of the town of Needham and Naomi Facher Mendel of said town of Needham, and the state secretary shall issue to said Arthur J. McCabe, II in his capacity as aforesaid a certificate of such authorization.

Approved July 15, 1988.

Chapter 144. AN ACT AUTHORIZING THE TOWN OF NORFOLK TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Norfolk, acting by and through its board of selectmen, is hereby authorized, upon the payment of unpaid taxes, to convey by a release deed to Joseph David, the parcel of land taken from him by said town for nonpayment of taxes. Said parcel is shown on town of Norfolk assessors' Map 19 as Lot 62, Block 45.

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

Approved July 15, 1988.

Chapter 145. AN ACT ESTABLISHING A SPECIAL FUND FOR THE CONSTRUCTION AND REHABILITATION OF SEWERAGE SYSTEMS IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the town of Saugus is hereby authorized to establish a special account to be known as the Town of Saugus Sewerage Rehabilitation Fund. The purpose of such fund is to provide revenue for the funding of engineering, testing, construction and rehabilitation of the sewage pipes, lines, facilities and systems located within the Town of Saugus and to provide revenues to do all things necessary to correct, remedy, repair, prevent and prohibit any and all forms of infiltration or inflow from ground water and other sources of water into pipes, lines, facilities and systems. Such special account shall be maintained by the treasurer of the Town of Saugus in a banking institution doing business in the commonwealth, and expenditures from said special account shall be made subject to appropriation initiated by the sewer commissioners upon the recommendation of the superintendent of public works or the town manager and approved by a majority vote of the town meeting.

SECTION 2. Payments to such account shall be made by applicants for connection to the sewer system of the town who are constructing, erecting, improving, reusing or rehabilitating land or the building thereon for industrial, commercial, multi-family and residential uses. The method and amount of such payments from such private sources shall be as determined by a schedule of fees to be determined by the sewer commissioners. Said schedule shall provide for the method of determining the amount of each payment from such applicants based upon their anticipated water and sewer use by each and for the particular kind of development contemplated.

SECTION 3. Appropriation from time to time may be made by the town of Saugus into said special account for the purpose of providing additional funds for aforesaid improvements, rehabilitation or repairs of sewage pipes, lines, facilities and systems.

SECTION 4. The treasurer of the town of Saugus shall be authorized to invest monies in said special account and the interest accruing shall inure to the benefit of said special account. Said special account shall be maintained in accordance with generally accepted accounting principles and shall be audited annually with the cost of such audit charged to said special account.

SECTION 5. The superintendent of public works for the town of Saugus may make applications for available state and federal government grants for the construction, improvements engineering, rehabilitation and repair of the sewage pipes, lines, facilities and systems, and to pledge any and all such sums of money in said account with the approval of the sewer commissioners and the town meeting for any such matching grants for the construction, improvements, repair and

rehabilitation of said sewage pipes, lines, facilities and systems.

SECTION 6. The town accountant shall file jointly with the sewer commissioners, the town manager, the treasurer and with the bureau of accounts, a written report relative to such special account authorized by section one. Said report shall be made within one hundred and twenty days after the books of account are closed for each fiscal year. Such report shall include a financial statement relating to the operation, maintenance and expenditures made under the said special account. Said sewer commissioners may review and comment on said report and may file such review with the state auditor.

SECTION 7. This act shall take effect upon its passage.

Approved July 15, 1988.

Chapter 146. AN ACT RELATIVE TO EMPLOYMENT OF MINORS.

Be it enacted, etc., as follows:

Section 65 of chapter 149 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 6, the words "six o'clock in the evening" and inserting in place thereof the words:- seven o'clock in the evening, except from July first through Labor Day, when evening hours shall be extended to nine o'clock in the evening.

Approved July 15, 1988.

EMERGENCY LETTER: August 10, 1988 @ 3:35 P.M.

Chapter 147. AN ACT RELATIVE TO CONTRACTOR EVALUATION FORMS FOR HOUSING AUTHORITIES.

Be it enacted, etc., as follows:

The third paragraph of section 7 of chapter 121B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "sixty-eight A", in line 1, the following words:- or paragraph (7) of section forty-four D of chapter one hundred and forty-nine.

Approved July 15, 1988.

Chapter 148. AN ACT FURTHER REGULATING TEMPORARY PERMITS TO PRACTICE VETERINARY MEDICINE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 56A 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:- Such temporary permit may be granted for a period of six months and may be renewed once for a period of six months; provided, however, that said person write the next set of examinations; and provided, further, that said person is employed by and practices his profession under the direct supervision and control of a duly licensed veterinarian practicing in the commonwealth.

SECTION 2. The second paragraph of said section 56A of said chapter 112, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such temporary permit may be granted for a period of six months and may also be renewed once for a period of six months and may be summarily revoked by a majority vote of the board.

Approved July 15, 1988.

Chapter 149. AN ACT INCREASING THE FINE FOR SALE OF ALCOHOLIC BEVERAGES TO MINORS.

Be it enacted, etc., as follows:

Section 34 of chapter 138 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 17, the word "one" and inserting in place thereof the word:- two.

Approved July 15, 1988.

Chapter 150. AN ACT REQUIRING CERTAIN VEHICLES TRANSPORTING SCHOOL PUPILS TO HAVE A SEMIANNUAL SAFETY INSPECTION.

Be it enacted, etc., as follows:

The third paragraph of section 7A of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two sentences:- Further, said registrar shall establish rules and regulations providing for a semiannual safety inspection for those vehiclesregulated by section seven D. Such inspection shall be in addition to the annual safety and emissions inspection as required by this section.

Approved July 15, 1988.

Chapter 151. **AN ACT INCREASING THE FINE FOR DISPOSAL OF REFUSE AND RUBBISH ON HIGHWAYS OR ANY PUBLIC LAND, PRIVATE PROPERTY, OR IN COASTAL OR INLAND WATERS.**

Be it enacted, etc., as follows:

Section 16 of chapter 270 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 8, the words "one thousand" and inserting in place thereof the following words:- two thousand five hundred.

Approved July 15, 1988.

Chapter 152. **AN ACT RELATIVE TO THE APPOINTMENT OF THE BUILDING COMMISSIONER AND ASSISTANT BUILDING COMMISSIONER IN THE TOWN OF TEWKSBURY.**

Be it enacted, etc., as follows:

Chapter 275 of the acts of 1986 is hereby amended by inserting after section 13 the following section:-

Section 13A. The building commissioner and assistant building commissioner shall be appointed by the town manager and the removal of the building commissioner or assistant building commissioner shall be by the town manager. Each may be removed for just cause but no such removal shall occur within ninety days following any town election in which there has been a change in the composition of the board of selectmen. Such building commissioner or assistant building commissioner shall be given written notice at least fourteen days prior to the date of removal, which shall specify the reasons for such removal. Such building commissioner or assistant building commissioner shall upon written request be granted a public hearing held by the board of selectmen on the cause for such removal and after said hearing the board of selectmen shall, by a majority, vote either to confirm such removal or to reinstate the building commissioner or assistant building commissioner.

Said written request for a public hearing shall be made to the board of selectmen or through their office on or before the said date of removal. Said vote of the board of selectmen shall occur no later than seven days after the public hearing. If, after a written request for a public hearing, said hearing or said vote is not held as provided herein, the removed person shall be reinstated with full pay and benefits retroactive to the date of removal.

Approved July 15, 1988.

Chapter 153. AN ACT RELATIVE TO EMPLOYMENT CONTRACTS WITH SCHOOL BUSINESS ADMINISTRATORS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 38 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 vote on the election, contract, or promotion of a teacher, assistant principal, principal, department chairman, director, supervisor, assistant supervisor, school business administrator, assistant superintendent, or deputy superintendent shall be by yeas and nays. No election, contract, or promotion of a teacher, assistant principal, principal, department chairman, director, supervisor, assistant supervisor, school business administrator, assistant superintendent, or deputy superintendent shall be made by a school committee unless such person shall have been nominated for such election, contract, or promotion by the superintendent of schools.

SECTION 2. Section 41 of said chapter 71, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A school committee may award a contract to a superintendent of schools or a school business administrator for periods not exceeding six years. Nothing in this section shall be construed to prevent a school committee from voting to employ a superintendent of schools who has completed three or more years' service to serve at its discretion.

SECTION 3. Said chapter 71 is hereby further amended by striking out section 41A, as so appearing, and inserting in place thereof the following section:-

Section 41A. A school committee may grant a leave of absence for study or research to any teacher, registered nurse, principal, supervisor, director, school librarian, school business administrator, superintendent or assistant superintendent, serving at discretion which would increase his professional ability, such leave to be for a period not exceeding one year at full or partial pay; provided, however, that prior to the granting of such leave he shall enter into a written agreement with the school committee that upon termination of such leave he will return to service in the public schools of such city or town for a period equal to twice the length of such leave and that, in default of completing such service, he will refund to the city or town an amount equal to such proportion of salary received by him while on leave as the amount of service not actually rendered as agreed bears to the whole amount of service agreed to be rendered. A school committee may also grant a leave of absence to any teacher, registered nurse, principal, supervisor, school business administrator, or superintendent serving at discretion for service to a statewide professional educational organization of which such teacher,

registered nurse, principal, supervisor, school business administrator, or superintendent is a member and has been elected to hold the office of president therein, such leave to be for a period not exceeding four full years at full or partial pay; provided, however, that such professional educational organization shall reimburse the school committee for any salary paid to said teacher, registered nurse, principal, supervisor, school business administrator, or superintendent during such period. A school committee may pay compensation to any employee granted a leave of absence under this section from any grants or gifts received for the purpose of this section pursuant to section thirty-seven A, as well as from funds appropriated therefor.

Any teacher, registered nurse, principal, supervisor, director, school librarian, school business administrator, superintendent or assistant superintendent, who is elected to a state office, or elected by the people to the office of mayor shall, upon his written request made to the school committee, be granted a leave of absence without pay from his position for all or such portion of the term for which he was elected as he may from time to time designate, and shall not as a result of such election, be suspended or discharged or suffer any loss of rights: provided, however, that any such leaves subsequent to the effective date of this act shall not exceed six years in the aggregate except upon the further written request of such teacher, registered nurse, principal, supervisor, director, school librarian, school business administrator, superintendent or assistant superintendent and upon the approval thereof by said school committee.

SECTION 4. Section 42 of said chapter 71, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The school committee may dismiss any teacher, but no teacher, school business administrator, or superintendent, other than a union superintendent and the superintendent of schools in the city of Boston, shall be dismissed unless by a two-thirds vote of the whole committee.

SECTION 5. Said section 42 of said chapter 71, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- In every such town a teacher or school business administrator or superintendent employed at discretion under section forty-one or a school business administrator or superintendent employed under a contract, for the duration of his contract, shall not be dismissed, except for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, school business administrator, or superintendent, insubordination or other good cause, nor unless at least thirty days, exclusive of customary vacation periods, prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests, he shall have been furnished by the committee with a written charge or charges of the cause or causes for which his dismissal is proposed; nor unless, if he so requests, he has been given a hearing before the school committee which

may be either public or private at the discretion of the school committee and at which he may be represented by counsel, present evidence and call witnesses to testify in his behalf and examine them; nor unless the charge or charges shall have been substantiated; nor unless, in the case of a teacher or school business administrator, the superintendent shall have given the committee his recommendations thereon.

SECTION 6. Said section 42 of said chapter 71, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- No teacher, school business administrator, or superintendent who has been lawfully dismissed shall receive compensation for services rendered thereafter.

SECTION 7. Section 42D of said chapter 71, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The school committee may suspend any teacher, but no teacher shall be suspended for more than ten days and no school business administrator or superintendent, other than a union superintendent and the superintendent of schools in the city of Boston, shall be suspended, unless by a two-thirds vote of the whole committee. In every such town a teacher, school business administrator, or superintendent employed at discretion under section forty-one or a school business administrator or superintendent employed under a contract, for the duration of his contract, shall not be suspended, under the provisions of this paragraph, except for unbecoming conduct or other good cause, nor unless at least seven days exclusive of customary vacation periods, prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests, he shall have been furnished by the committee with a written charge or charges of the cause or causes for which the suspension is proposed; nor unless, if he so requests, he has been given a hearing before the school committee which may be either public or private at the discretion of the school committee and at which he may be represented by counsel, present evidence and call witnesses to testify in his behalf and to examine them and to cross-examine other witnesses; nor unless the charge or charges shall have been substantiated; nor unless, in the case of a teacher or school business administrator, the superintendent shall have given the committee his recommendations thereon. No teacher, school business administrator, or superintendent shall be suspended for a period exceeding one month, nor shall such teacher, school business administrator, or superintendent receive compensation for any period of lawful suspension. No teacher, school business administrator, or superintendent shall be interrogated prior to any notice given to him relative to a hearing on suspension unless he is notified of his right to be represented by counsel during any such investigation.

SECTION 8. Section 43 of said chapter 71, as so appearing, is hereby amended by striking out the second sentence and inserting in place

thereof the following sentence:- The salary of a school business administrator and superintendent employed in any city, town, regional school district or superintendency union shall not be reduced without his consent unless at the same time a general salary revision reducing proportionately the salaries of all administrators, supervisory personnel and teachers has been made.

SECTION 9. Section 43A of said chapter 71, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any teacher, principal, school business administrator, or superintendent of schools employed at discretion or any school business administrator or superintendent employed under a contract, for the duration of his contract, or any principal or supervisor, who had been dismissed, demoted, or removed from a position by vote of a school committee under the provisions of section forty-two, section forty-two A or section sixty-three may, within thirty days after such vote appeal therefrom to the superior court in the county in which the person was or is employed.

SECTION 10. Said chapter 71 is hereby further amended by striking out section 43B, as so appearing, and inserting in place thereof the following section:-

Section 43B. Any teacher, school business administrator, or superintendent of schools employed at discretion or any school business administrator or superintendent employed under a contract, for the duration of his contract, who has incurred expense in defending himself against an unwarranted removal or suspension shall be reimbursed for such expense from the same source from which his salary is paid; provided, however, that the amount of such reimbursement shall in no event exceed ten per cent of the amount of the usual compensation of such person for the period during which such removal or suspension was in effect; and provided, further, that such teacher, school business administrator, or superintendent makes written application to the school committee for such reimbursement.

Approved July 15, 1988.

Chapter 154. AN ACT RELATIVE TO THE LICENSING OF PSYCHOLOGISTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 5 of chapter 734 of the acts of 1987 is hereby amended by striking out, in line 3, the word "eighty-nine" and inserting in place thereof the following word:- ninety.

SECTION 2. The said first paragraph of said section 5 of said chapter

734 is hereby further amended by striking out, in line 5, the word "eighty-seven" and inserting in place thereof the following word:- eighty-eight.

Approved July 15, 1988.

Chapter 155. AN ACT FURTHER REGULATING NOTIFICATION REQUIREMENTS OF THE BLACKSTONE RIVER AND CANAL COMMISSION.

Be it enacted, etc., as follows:

Section 2 of chapter 568 of the acts of 1981 is hereby amended by striking out the fifth paragraph, inserted by section 4 of chapter 51 of the acts of 1982, and inserting in place thereof the following paragraph:-

At least seven days before the appropriate board of a member city or town permits or approves an activity or action on land abutting the route of the Blackstone canal, notice shall be given in writing to the commission. Failure to notify the commission in accordance with the provisions of this section shall cause such permit or approval to be deemed rescinded upon written notification from the commission to said appropriate board. In the event that an applicant shall have substantially completed work under such permit or approval, the commission may, after public hearing, impose a fine in an amount not to exceed two per cent of the project cost, said fine to be paid to the treasurer of the Blackstone River Watershed Association or its successor organization. The appropriate boards shall include but not be limited to: the city council, board of selectmen, board of aldermen, planning board, zoning board of appeals, conservation commission, historical commission, building or public works department.

Approved July 15, 1988.

Chapter 156. AN ACT FURTHER REGULATING THE EFFICIENCY OF FLUORESCENT LAMP BALLASTS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 25B of the General Laws, as amended by section 1 of chapter 95 of the acts of 1988, is hereby further amended by inserting after the definition of "Secretary" the following definition:-

"Shop light", an exposed lamp, one hundred and twenty volt, fluorescent lamp luminaire for two F40T12 lamps intended only for suspended mounting in residential applications and comprised of: a wiring channel; reflector; lamp holders; fluorescent lamp ballasts; suspension mounting chains; and an input cord and plug set.

SECTION 2. Section 3 of said chapter 25B, as amended by section 2 of said chapter 95, is hereby further amended by inserting after the word "lamps", in line 14, the following words:- excluding those intended for use in shop lights.

SECTION 3. Said section 3 of said chapter 25B, as so amended, is hereby further amended by inserting after the word "lamps", in line 15, the following words:- excluding shop lights.

SECTION 4. The first paragraph of section 4 of said chapter 25B, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- No shop light may be sold or offered for sale for installation in other than a residential building.

SECTION 5. Section 5 of said chapter 25B, as amended by section 4 of said chapter 95, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The secretary shall by regulation establish the level of energy efficiency standards for lamps, so that each lamp covered by said standard shall consume less power in watts per unit of light output in lumens than a maximum reference level to be established by the secretary; provided, however, that said standards shall not become effective until January first, nineteen hundred and ninety.

SECTION 6. The first paragraph of section 3 of chapter 489 of the acts of 1986 is hereby amended by inserting after the definition of "Secretary" the following definition:-

"Shop light", an exposed lamp, one hundred and twenty volt, fluorescent lamp luminaire for two F40T12 lamps intended only for suspended mounting in residential applications and comprised of: a wiring channel; reflector; lamp holders; fluorescent lamp ballasts; suspension mounting chains; and an input cord and plug set.

SECTION 7. Subsection (c) of said section 3 of said chapter 489 is hereby amended by adding the following paragraph:-

The foregoing ballast efficiency factors shall not apply to any fluorescent lamp ballast that is intended for use in a shop light.

SECTION 8. The provisions of sections one, two, three, four, six and seven shall become inoperative on December thirty-first, nineteen hundred and ninety-one.

Approved July 15, 1988.

EMERGENCY LETTER: August 2, 1988 @ 4:25 P.M.

Chapter 157. AN ACT FURTHER REGULATING THE INSTALLATION OF AUTOMATIC SPRINKLERS.

Be it enacted, etc., as follows:

SECTION 1. Section 201 of chapter 6 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Decisions on appeal shall be made by the members of the appeals board conducting the public hearing. Every decision shall require the concurrence of a majority of those members holding the public hearing but in no case a vote for an appeal shall be less than three members voting in the affirmative, and the appeals board shall state in writing its findings of fact, its conclusions, reasons for its decision and indicate the vote of each such member participating in said decision. A majority of the members of the appeals board shall constitute a quorum for the purpose of conducting business, but a lesser number may adjourn from time to time.

SECTION 2. Section 26A 1/2 of chapter 148 of the General Laws, as so appearing, is hereby amended by striking out the fourth and fifth paragraphs and inserting in place thereof the following two paragraphs:-

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 March thirtieth, nineteen hundred and ninety-one; two-thirds of the gross square footage of the building or structure shall be equipped with automatic sprinklers by March thirtieth, nineteen hundred and ninety-four; and the entire gross square footage of the building or structure shall be equipped with automatic sprinklers by March thirtieth, nineteen hundred and ninety-eight; provided, however, that the owner of said building or structure may apply to the board of appeals of the fire safety commission for an extension or a waiver of the provisions of this section as provided for in section two hundred and one of chapter six.

Any building or structure subject to the provisions of this section shall have the option of complying with the following schedule: the entire gross square footage of the building or structure shall be equipped with automatic sprinklers by March thirtieth, nineteen hundred and ninety-four; provided, however, that under said option the owner of said building or structure shall be deemed to have waived his right to any such extension of time.

Approved July 15, 1988.

Chapter 158. AN ACT FURTHER REGULATING THE SALE OF ALCOHOLIC BEVERAGES BY INNHOLDERS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 12 of chapter 138 of the General Laws, as appearing in the 1986 Official Edition, is hereby

amended by inserting after the word "licensee", in line 23, the words:- as the local licensing authorities may deem reasonable and proper, and approve in writing.

SECTION 2. Said section 12 of said chapter 138 is hereby further amended by inserting after the sixth paragraph the following paragraph:-

No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

Approved July 15, 1988.

Chapter 159. AN ACT AUTHORIZING THE MARTHA'S VINEYARD SUPERINTENDENCY UNION SCHOOL COMMITTEE TO ESTABLISH AN ACCOUNT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the Martha's Vineyard superintendency Union School committee may establish a separate account for professional enhancement purposes, hereinafter to be known as the professional enhancement account. Expenditures may be made from said account by said Union School committee to reimburse teachers for sabbaticals, tuition and other professional enhancement purposes in accordance with sections thirty-eight I and forty-one A of chapter seventy-one of the General Laws, without further appropriations; provided, however, that said special account shall be not used to employ or pay the salary of any employee.

Each town in the school district shall, by a specific vote of its annual town meeting, appropriate an amount of money sufficient to fund the professional enhancement account. This account shall be kept separate and apart from all other moniesby the region treasurer who shall be responsible for the accounting of said fund. The superintendent of the school district with such an account shall submit annually a report of said account to the board of selectmen or town manager of each town and to the annual town meeting of each town in said district. and a copy of said report shall be submitted to the director of accounts. This account shall go into effect once it has been accepted by the annual town meeting of each town in said district.

Approved July 15, 1988.

Chapter 160. AN ACT RELATIVE TO THE MERGER OF NONPROFIT HOSPITAL SERVICE CORPORATIONS AND MEDICAL SERVICE CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Blue Shield of Massachusetts, Inc., organized under chapter one hundred and seventy-six B, is hereby authorized to merge with Blue Cross of Massachusetts, Inc., organized under chapter one hundred and seventy-six A. The surviving corporation shall be named Blue Cross and Blue Shield of Massachusetts, Inc., shall exist for the purposes set out in the articles of organization of both predecessor corporations, as amended, and shall be subject to the laws specified in section two of this act. Such merger shall take effect upon the filing with the state secretary of a certificate of the chairman or president and secretary of each corporation that the merger authorized by this act has been authorized on behalf of such corporation by vote of two-thirds of its members legally qualified to vote in meetings of the corporation. Such certificate shall constitute articles of merger and such merger shall have the effect set forth in section eighty of chapter one hundred and fifty-six B.

SECTION 2. The corporation surviving the merger authorized by section one shall be subject to the following provisions of law:-

(a) chapter one hundred and seventy-six A, except that the corporation shall have not less than eleven nor more than thirty-one directors;

(b) chapter one hundred and seventy-six B;

(c) laws by their terms applicable to nonprofit hospital service corporations and to medical service corporations;

(d) subject to the provisions of clauses (a), (b) and (c), sections two B and eight of chapter one hundred and fifty-five; sections six, seven, seven A and nine of chapter one hundred and eighty; section ten of chapter one hundred and eighty, which shall apply to the corporation, to corporations organized under that chapter, and to other nonprofit corporations organized under chapters one hundred and seventy-six A, one hundred and seventy-six B or one hundred and seventy-six C as if all such corporations were organized under chapter one hundred and eighty for purposes mentioned in section four thereof; and such sections of chapters one hundred and fifty-six B, except as to injunction and receivership, as are made applicable to corporations organized under chapter one hundred and eighty by section ten A of said chapter; and

(e) the corporation shall be required to make readily available to its subscribers, in such form as it may determine, the identity of its participating providers or the identity of its nonparticipating providers, and the differences between such providers under the corporation's health service plans.

SECTION 3. The merged corporation shall maintain a surplus which is

not less than five per cent of all expenses and insured claims incurred in each year. The merged corporation may not reduce its surplus below such amount without approval of the commissioner.

Approved July 15, 1988.

Chapter 161. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS, INCLUDING THE AGREEMENT 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), and for costs pursuant to Article 13C of the approved collective bargaining agreement between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6), the sums set forth in section two are hereby appropriated, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter 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 year 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	$140,000
1599-3651	For	a reserve to meet the cost of certain salary	

adjustments and other employee economic benefits authorized by the collective bargaining agreement 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 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 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-eight and nineteen hundred and eighty-nine 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 said 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; provided, further, that the secretary of administration 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 on June thirtieth, nineteen hundred and eighty-nine $12,402,000

SECTION 3. Section 2 of chapter 18 of the acts of 1988 is hereby amended by inserting the following item:-

1108-3640 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of article thirteen C of the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6) provided, however, that no funds appropriated herein shall be expended for or in relation to child care or day care facilities, services, or benefits, except in accordance with a spending plan approved by the director of the office for children, after consultation with the joint labor-management committee established under said article thirteen C, and filed with the house and senate committees on ways and means prior to any such expenditure $50,000

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

Approved July 15, 1988.

Chapter 162. AN ACT REQUIRING THE INSTALLATION OF STOP WARNING DEVICES ON SCHOOL BUSES.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (11) and inserting in place thereof the following clause:-

(11) Type I and Type II school buses purchased, leased or contracted after January first, nineteen hundred and eighty-nine for use in the commonwealth shall be equipped with an octagonal stop warning device incorporating alternately flashing red lights approved by the registrar and mounted in accordance with the registrar's regulations upon the left side and shall only be activated to extend outward when picking up or discharging school pupils. All other Type I and Type II school buses shall be so equipped with said device no later than January first, nineteen hundred and ninety-four. Such device, when fully extended, shall not protrude more than twenty-two inches outward from the left side of the

body. The use of such device shall not be construed as increasing the width of such bus beyond the limits prescribed by section nineteen. The registrar shall promulgate rules and regulations providing for a certification process for the installation of said device.

Approved July 15, 1988.

Chapter 163. AN ACT RELATIVE TO A CHARTER FOR BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary the county of Barnstable shall be governed by the provisions of the following home rule charter. If this act is accepted by the voters of Barnstable county at the state election held in the current year the county of Barnstable shall thereafter be governed by the provisions of this act: to the extent that the provisions of this act modify or are otherwise inconsistent with any special or general law the provisions of this act shall govern.

We, the people of Barnstable county, in order to gain for ourselves and for our communities all of the rights, powers, privileges, duties and obligations which may now or in the future be derived from county government, do establish for ourselves and for our communities the means and the structure to deal with regional issues which transcend the existing boundaries of municipal governments. This home rule charter for Barnstable county places the power and responsibility to deal with the unique problems of Barnstable county in a county government directly responsible to the people of Barnstable county. We do hereby ratify, approve and affirm the following as the home rule charter of Barnstable county:

ARTICLE 1

INCORPORATION AND POWERS

SECTION 1-1 Incorporation Barnstable county, within the corporate limits established by law, shall continue to be a body politic and corporate for the purposes of suit, of buying and holding, for county uses, personal estate and land lying therein, and of contracting and doing other necessary acts relative to its property and affairs.

SECTION 1-2 Short Title This instrument shall be known and may be cited as the Barnstable county home rule charter.

SECTION 1-3 Powers of the County Subject only to express limitations on the powers which may be exercised by a county government in the constitution or laws of the commonwealth, it

is the intention and the purpose of the voters of Barnstable county in approving this charter to obtain for the county government all of the powers it is possible for a county government to have, to hold and to exercise under the constitution and laws of the commonwealth as fully and as completely as if each such power were specifically and individually enumerated in this charter.

It is the intent of this charter to encourage a continuing review to be made of the functions being performed by the county government and to enable the county government to cause any duty that has been mandated to it, by law or otherwise, to be performed in the most efficient and expeditious manner possible, and without regard to the organizational, structural or personnel provisions contained in any prior law or laws.

SECTION 1-4 Construction The grant of powers under this charter is to be construed as broadly as is consistent with the constitution and the laws of the commonwealth relating to local government. Based upon the need to develop effective services to meet problems which cross municipal boundaries, to provide sophisticated services which might be beyond the ability of a single community to support and a desire to obtain the efficiencies and economies of scale, this charter shall be construed as intended to give to the county government the power and the authority to establish programs and to perform any service, activity or undertaking for, or on behalf of, any governmental unit which said governmental unit has the legal authority to perform for itself, as such governmental unit may itself determine is in its own best interest to cause the county to perform for it, with it, or in its behalf, on a contractual basis, or otherwise.

Nothing in this charter shall be construed to impair, diminish or infringe upon the powers or duties of cities and towns under the General Laws. It is the intent of this charter to permit, enable or otherwise authorize cities and towns to employ services and facilities of or under the county when said cities and towns deem it desirable so to do for more effective, efficient or adequate provision of services. Cities and towns are and shall remain the broad repository of local police power in terms of the right and power to legislate for the general health, safety and welfare of their inhabitants.

SECTION 5 Intergovernmental Relations The county government may enter into agreements with any other governmental unit, or group of such units, within or without the county, without regard to whether a governmental unit is a city, a town, a regional authority or a special district, to perform for it, with it, or in behalf of such governmental unit any service, activity or undertaking which such governmental unit is authorized to perform for itself. The county may become the agent for any other unit or units of government including the United States and the commonwealth, in the performance of any and all functions, services, activities and undertakings for which the contracting unit determines to employ the county as its agent.

The county government shall not perform any service for a

governmental unit outside of its political boundaries unless authorized to do so by the governing body of the county within which such governmental unit is located. Nothing in this section shall be construed to prohibit the county government from performing services jointly with, or for, or in cooperation with another county, by contract or otherwise.

SECTION 1-6 County Powers, Generally Without intending to limit the generality of county powers as stated in section 1-3 of this charter the following specific powers shall be available to the county government:

(a) Through the adoption, amendment or repeal of ordinances, or the provisions of an administrative code, to organize and regulate its internal affairs; create, alter and abolish agencies, offices, positions and employments and define the powers, duties, responsibilities and functions thereof; establish qualifications for persons holding offices, positions and employments, provide for the manner of appointment and removal and the salary or other compensation to be paid.

(b) Adopt, amend, enforce and repeal ordinances and resolutions as provided in article 2 and subject to the provisions for initiative and referendum as contained in article 7.

(c) Construct, acquire, operate and maintain public improvements, projects or enterprises for any public purpose subject to such restrictions and limitations as are otherwise provided by law.

(d) Exercise powers of eminent domain, borrowing and taxation to the extent authorized by this charter and by law.

(e) Exercise all powers of county government in such manner as the county governing body shall determine, subject to rights of initiative and referendum contained in article 7.

(f) Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend funds for county purposes.

(g) Contract with or sign agreements with other governmental units for the provision of a joint, coordinated or cooperative service or function.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1 Composition, Mode of Election, Term of Office

(a) Composition - The legislative powers of Barnstable county shall be exercised by an assembly of delegates consisting of fifteen members. One member of the assembly of delegates shall be elected by and from the voters in each of the municipalities of the county.

(b) Eligibility - Any voter of the municipality from which election is sought shall be eligible to hold the office of delegate who at the time of election has been a resident of Barnstable county for a period of one year or more. A delegate who during a term of office moves from the municipality from which elected shall forthwith be deemed to have

resigned and the office shall be declaredvacant by the remaining members of the assembly of delegates.

(c) Election and Term - Delegates shall be elected for terms of two years each at the biennial state election. The term of office for delegates shall begin on the first business day in January in the year following the year in which elected and shall continue until their successors have been chosen and qualified.

SECTION 2-2 Organization; Speaker; Deputy Speaker; Clerk

(a) Organization - The assembly of delegates shall meet on the first business day in January of each odd numbered year for the purpose of organization. They shall be called to order by the member present who is senior in years of service as a member of the assembly of delegates, who shall preside; if two or more members have equal lengths of service the member present senior in both age and years of service shall preside. The assembly of delegates shall then elect, from their own number, a speaker and a deputy-speaker and it shall also elect a person not a member of the assembly of delegates to serve as clerk of the assembly of delegates. The vote to elect such officers shall require the affirmative votes of delegates representing a majority of the population of Barnstable county.

(b) Speaker - The speaker shall preside at all meetings of the assembly of delegates, regulate the proceedings and decide all questions of order and shall have the same right to vote on any matter coming before the assembly of delegates as any other member. The speaker shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the assembly of delegates.

(c) Deputy-Speaker - The deputy-speaker shall serve as speaker during the absence or disability of the speaker and shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the assembly of delegates.

(d) Clerk of the Assembly of Delegates - The clerk of the assembly of delegates shall give notice of all meetings of the assembly of delegates to its members and to the public, keep a journal and other records of all of its proceedings and perform such other duties as may from time to time be assigned to the office by this charter, by ordinance, or by other vote of the assembly of delegates. The clerk of the assembly of delegates may be the county clerk.

SECTION 2-3 Compensation The assembly of delegates may, by ordinance, establish an annual salary for its members. No ordinance increasing such salary shall be effective however unless it has been adopted during the first fifteen months of the term for which delegates are elected and it provides that the salary is to become effective at the commencement of the term of the next assembly of delegates to be elected.

SECTION 2-4 Powers and Duties, In General Except as is otherwise

provided by law, or this charter, all legislative powers of the county shall be vested in the assembly of delegates which shall provide for the exercise of all powers and the performance of all duties imposed upon the county in a manner consistent with the provisions of this charter.

SECTION 2-5 Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers - Except as is otherwise provided by this charter, or by law, the legislative powers of the assembly of delegates may be exercised in a manner determined by it.

(b) Voting - Except on procedural matters, all votes shall be taken by a call of the roll if requested by any member. The vote of each delegate shall be weighted in the same proportion as the population of the municipality such delegate represents bears to the whole population of Barnstable county as determined by the most recent federal census, or decennial census.

(c) Quorum - A number of the members of the assembly of delegates representing in the aggregate a majority of the population of Barnstable county shall constitute a quorum, provided that at least eight delegates are present, but a smaller number may meet and adjourn from time to time. The affirmative votes of delegates representing a majority of the population of Barnstable county shall be necessary to adopt any ordinance, resolution, appropriation order, or to take any other official action as the county's legislative body.

(d) Rules of Procedure - The assembly of delegates may from time to time establish rules for its proceedings not inconsistent with the following:

(i) Regular meetings of the assembly of delegates shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the assembly of delegates shall be held at the call of the board of county commissioners (as provided in section 3-8(b)), at the call of the speaker, or at the call of any three or more members, except in case of emergency, by written notice, delivered in hand, or to the place of residence or business of each member at least seventy-two hours in advance of the time set and which notice shall include the subjects to be acted upon at such special meeting.

(iii) Except as may otherwise be authorized by law, all meetings of the assembly of delegates and any committee or sub-committee thereof shall at all times be open to the public and to representatives of the communications media.

(iv) Every matter which comes before the assembly of delegates shall be put to a vote, the results of which shall be recorded. When requested by any member the vote shall be by roll call and the vote of each member shall be recorded in the journal.

(v) The clerk of the assembly of delegates shall keep a full, accurate and up-to-date record of the proceedings of the assembly of delegates and shall make it available for inspection by the public at any reasonable time.

SECTION 2-6 Prohibitions No member of the assembly of delegates

shall individually, or collectively, seek to influence the board of county commissioners to dismiss, to appoint, or to promote any person to any position in the executive branch of county government.

The members of the assembly of delegates shall deal with county officers and employees solely through the board of county commissioners and the county administrator. All contact with county employees, all actions and communications concerning county government, administrative activity and provision of services shall be solely through the board of county commissioners and the county administrator, except as is otherwise provided in this charter.

This section shall not prohibit the assembly of delegates from conducting an inquiry into any act or problem of county administration as provided in section 2-7.

No member of the assembly of delegates shall, during the term of office for which elected, or, within twelve months following the expiration of such term, hold any appointed compensated office, position or employment in or under the county government. This provision shall not, however, prevent a former county officer or employee who has taken a leave of absence during service on the assembly of delegates from resuming such office or employment at the expiration of the the term of office for which elected.

SECTION 2-7 Inquiries and Investigations The assembly of delegates may at any time upon a request filed by any of its members request a report on any aspect of the county by making such a request, in writing, to the board of county commissioners.

The assembly of delegates may require the board of county commissioners and the county administrator to appear before the assembly of delegates sitting as a committee of the whole and to bring before the assembly of delegates such records and reports, and such officials and employees of the county as the assembly of delegates shall deem necessary to insure clarification of any matter under study.

The assembly of delegates may summon witnesses to attend and to testify and to produce books and papers at a hearing before it, or a special committee of the assembly of delegates, in the same manner and with the same penalties as is provided for other multiple member bodies by sections eight to eleven, inclusive, of chapter two hundred and thirty-three of the General Laws.

The assembly of delegates may, by a vote representing a majority of the population of Barnstable county, delegate any number of its members as an ad hoc committee to consult with the board of county commissioners or the county administrator on any matter and to report back to the full assembly of delegates with the results of such meeting.

SECTION 2-8 Exercise of Powers

(a) In General. - The legislative powers of the county vested in the assembly of delegates shall be exercised by the adoption of ordinances, except as provided in section (b), below.

(b) Exception, Resolutions. - The following matters may be provided

for by resolution and shall not be deemed to require an ordinance:

(i) The establishment of an advisory council on any subject;

(ii) The conduct of an inquiry or an investigation;

(iii) The adoption of rules governing the conduct of its own business;

(iv) The establishment of times and places for special meetings of the assembly of delegates;

(v) The establishment of the assembly of delegates as a committee of the whole and the delegation of its members as an ad hoc committee;

(vi) The election, appointment and removal of such officers and employees as the assembly of delegates is permitted by this charter, or otherwise;

(vii) Approval of contracts presented by the board of county commissioners;

(viii) Actions specified as resolutions;

(ix) The expression of such policies or opinions as requires no formal action.

(c) Form of Ordinances - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be: "Barnstable county hereby ordains:".

(d) Acts Required to be by Ordinance - In addition to such other acts as this charter or any other provision of law requires to be by ordinance, the following acts of the assembly of delegates are required to be by ordinance:

(i) Establish, alter or abolish any county department, office or agency;

(ii) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(iii) Make appropriations, or transfer appropriations from the account of one county agency to another;

(iv) Grant, renew or extend a franchise;

(v) Regulate the rate charged for any service provided to any other governmental unit;

(vi) Authorize the borrowing of money;

(vii) Authorize the conveyance or lease of any real estate belonging to the county;

(viii) Authorize bilateral or multilateral contracts with other governmental units within the county or contiguous to the boundaries of the county for the joint performance, or for performance by one governmental unit on behalf of another or others of any governmental function or activity;

(ix) Adopt, with or without amendment, ordinances proposed by voters in accordance with the initiative procedures as provided in Article 7;

(x) Amend or repeal any ordinance previously adopted;

(e) Procedures - A proposed ordinance may be introduced by any member of the assembly of delegates, or by the board of county commissioners, at any regular or special meeting of the assembly of delegates.

The clerk of the assembly of delegates shall forthwith distribute copies of the proposal to each delegate present, to any of the county

commissioners present, and to the county administrator, if present. After an ordinance has been introduced and unless it is rejected at the same meeting by the affirmative votes of delegates representing not less than three fourths of the population of Barnstable county, the clerk of the assembly of delegates shall promptly cause the proposed ordinance to be published together with a notice stating the time and place at which a public hearing will be held on consideration of the proposal.

(f) Public Hearing. - The public hearing on any proposed ordinance shall follow the required publication by at least one week. At the public hearing copies of the proposed ordinance shall be available for distribution to interested persons and all persons present shall be given the opportunity to be heard.

(g) Action by Assembly of Delegates. - The assembly of delegates may adopt, with or without amendment, or reject, any proposed ordinance following the public hearing.

(h) Publication of Adopted Ordinances. - As soon as practicable following adoption of any ordinance it shall be printed and published.

(i) Time of Taking Effect. - Except as otherwise provided by this charter every adopted ordinance shall take effect on the thirty-first day following its adoption, unless a later date is specified in the ordinance.

(j) Published, Defined. - As used in this section the term "published" means:

(i) That at least a brief summary of the proposed ordinance or adopted ordinance has been published, along with public notice that a public hearing is to be held, in local newspapers.

ii) That copies of the proposed ordinance or adopted ordinance, have been made available to representatives of the communications media.

(iii) That copies of the proposed ordinance or adopted ordinance have been distributed to the clerks of every municipality in the county for posting on municipal bulletin boards.

(iv) That a reasonable number of copies of the proposed ordinance have been printed for free distribution to any interested person requesting the same, or in the case of an adopted ordinance, for sale, at a cost not to exceed the actual cost thereof to persons requesting the same.

SECTION 2-9 Emergency Ordinances The assembly of delegates, in appropriate circumstances to meet a public emergency affecting life, health or property, may adopt emergency ordinances. No emergency ordinance shall be used to grant, renew or extend a franchise; to regulate the rate charged for any service; or to authorize the borrowing of any money.

Emergency ordinances shall be submitted in the same manner as other proposed ordinances, but, every emergency measure shall be plainly designated as such and shall contain a preamble, which shall be separately voted upon, which declares that an emergency exists and which describes the emergency in clear and specific terms.

The affirmative vote of delegates representing two-thirds of the population of Barnstable county shall be necessary to adopt

any emergency ordinance.

Every emergency ordinance shall automatically stand repealed on the sixty-first day following its adoption.

SECTION 2-10 Filling of Vacancies If a vacancy shall occur in the office of assembly delegate with more than six months remaining of the term for which delegates are elected, a successor shall be chosen in accordance with the following procedure:

The clerk of the assembly of delegates shall cause a notice of the vacancy to be sent to the clerk of the municipality in which the vacancy exists. The clerk of said municipality shall, forthwith, cause such notice to be posted on the municipal bulletin boards. Any voter, a resident of Barnstable county for at least one year, desiring to be considered to fill such vacancy shall, in writing, so advise the board of selectmen (or the officer or agency performing similar duties in such municipality). The board of selectmen shall make provision for the interview, in public sessions, of all persons who have indicated such interest. Not more than twenty-one days following the date of the notice sent by the clerk of the assembly of delegates, the board of selectmen shall, by majority vote, choose one person from the municipality to fill such vacancy and shall issue a certificate of such selection to the clerk of the assembly of delegates. Upon receipt of the said certificate the clerk of the assembly of delegates shall administer the oath of office to such person and shall enter such persons name on the official list of assembly delegates. If, at the expiration of thirty days following the issuance of notice by the clerk of the assembly of delegates that a vacancy from that municipality exists, no certificate has been received, the assembly of delegates may vote to fill such vacancy by electing any registered voter resident of the affected municipality for one year or more to fill such vacancy. The clerk of the assembly of delegates shall administer the oath of office to the person thus chosen who shall serve for the balance of the then unexpired term.

ARTICLE 3

EXECUTIVE BRANCH

SECTION 3-1 Board of County Commissioners.

(a) Composition, Term of Office - The executive powers of Barnstable county shall be exercised by a board of county commissioners consisting of three members. County commissioners shall be elected for terms of four years each, so arranged that as nearly an equal a number of such terms as is possible shall be elected at each biennial state election. The provisions of section one hundred fifty-eight of chapter fifty-four of the General Laws shall apply to such elections.

(b) Compensation - The assembly of delegates shall, by ordinance, establish an annual salary for the members of the board of county commissioners. The salary shall be reasonable and commensurate with the duties of the office and may not be lowered for any member during a

term of office. No ordinance changing the salary for members of the board of county commissioners shall be effective unless it has been adopted during the first fifteen months of the term for which delegates are elected and it provides the new rate of compensation is to be effective upon the reorganization of the board of county commissioners following an election for that office.

(c) Organization - The board of county commissioners shall meet to organize on the first business day of January in each odd numbered year and shall choose a chairperson and a vice-chairperson to serve for a term of two years.

(d) Exercise of Powers - The board of county commissioners shall conduct all of their official business with at least two members of the board of county commissioners present, provided proper notice has been given to the absent member. A vote of two members of the board of county commissioners shall be sufficient to exercise any power residing in the board of county commissioners.

SECTION 3-2 Executive Powers The executive powers of the county shall be vested solely in the board of county commissioners and may be exercised either directly by such board, or through the several county agencies under its direction and supervision. The board of county commissioners shall cause this charter, the laws and the ordinances and orders for the government and administration of the county to be enforced.

The board of county commissioners shall exercise a general supervision and direction over all county agencies, unless otherwise provided by law. Each county agency shall furnish to the board of county commissioners, forthwith when so requested, any information, materials or otherwise as the board of county commissioners may request and as the needs of that office and the interest of the county may require.

SECTION 3-3 Powers and Duties The board of county commissioners shall have, possess and may exercise all the powers, rights and duties commonly associated with the office of chief executive officer of a local governmental unit. The powers and duties of the board of county commissioners shall include, but are not limited to, the following:

(a) Prepare and submit, simultaneously to the assembly of delegates and to the advisory board on county expenditures, an annual operating budget, and a capital outlay budget, as provided in Article 5.

(b) Supervise the care and custody of all county property, institutions and agencies;

(c) Supervise the collection of all county revenues and the disbursement of all county funds;

(d) Supervise the selection of the depositories for all county funds.

(e) Keep the assembly of delegates and the public fully informed as to the financial and administrative condition of the county by filing reports with the assembly of delegates, at least semi-annually, summarizing such condition.

(f) To make at any time such recommendations to the assembly of

delegates for actions required to be taken by it as the board of county commissioners deems necessary for the improvement of the county and the welfare of its residents.

(g) Sign all deeds, contracts, bonds or other instruments requiring the consent of the county.

(h) At any time to inquire into the conduct of office or performance of duty of any county officer, department head or employee.

(i) The identification of emergency situations;

(j) The declaration of emergencies;

(k) Designation of newspapers to be used to give notice of county matters to the public;

SECTION 3-4 Delegation by County Commissioners The board of county commissioners may authorize the county administrator or any subordinate officer or employee of the county to exercise any power, function or duty assigned by this charter to the board of county commissioners provided, however, that all acts which are performed under any such delegation shall be deemed to be the acts of the board of county commissioners.

SECTION 3-5 Appointments by Board of County Commissioners The board of county commissioners shall appoint and in appropriate circumstances may remove, subject to the provisions of any collective bargaining agreements as may be applicable, all county officers, department heads, members of multiple member bodies and all county employees for whom no other method of selection is provided by this charter.

SECTION 3-6 Temporary Appointments to County Office Whenever any vacancy occurs in a county office whether temporary or permanent and the needs of the county require that such office be filled, the board of county commissioners may designate the head of some other county office or agency or a county officer or employee to perform the duties of the office on a temporary or acting basis until such time as the incumbent resumes the duties of the office or the position has been filled in the manner provided by this charter, or by county ordinance.

SECTION 3-7 Communications: Special Meetings

(a) Communications to Assembly of Delegates - Annually, at the first regular business meeting of the assembly of delegates held in each calendar year the board of county commissioners shall in person, or in writing, submit to the assembly of delegates a report on the state of the county including an indication of such plans and proposals for changes in county programs and services as the board of county commissioners intends to propose during the ensuing year. The board of county commissioners shall, from time to time throughout the year, in person, or in writing, submit to the assembly of delegates specific proposals to be considered for adoption by the assembly of delegates as the board of county commissioners deems to be necessary or desirable.

(b) Special Meetings of the Assembly of Delegates - The board of county commissioners may at any time and for any purpose call a special meeting of the assembly of delegates by causing a notice of such meeting to be delivered in hand or to the place of residence or of business of each member of the assembly of delegates. Except in cases of special emergency, of which the board of county commissioners shall be the sole judge, such notice shall be delivered at least seventy-two hours in advance of the time set and public notice shall be given as otherwise required by this charter or by law.

SECTION 3-8 Approval of the Board of County Commissioners, Exception Every order, ordinance, resolution or other vote of the assembly of delegates pertaining to the business and affairs of the county (but not including matters relating to the internal affairs of the assembly of delegates or resolutions merely stating an opinion of the assembly of delegates) shall forthwith following its adoption be presented to the board of county commissioners. If the board of county commissioners approves of such measure, the signatures of a majority of the members of the board of county commissioners shall be affixed to the said measure and it shall, subject to the provisions of article 7, be deemed to be in effect. If the board of county commissioners disapproves of such measure, the board of county commissioners shall within ten days following the date the approved copy of the measure is filed in its office return the measure to the assembly of delegates with specific reasons for such disapproval, in writing, attached thereto.

The assembly of delegates shall upon receipt of notice of disapproval from the board of county commissioners forthwith reconsider the measure. If the assembly of delegates shall, notwithstanding the objections of the board of county commissioners, by a vote of its members representing two-thirds of the population of Barnstable county, taken by roll call vote, again pass the measure, the measure shall, subject to the provisions of article 7, be deemed to be in effect.

If the board of county commissioners has not signed nor returned a measure adopted by the assembly of delegates to the assembly of delegates within ten days following its receipt, said measure shall, subject to the provisions of article 7, be deemed to be in effect at the expiration of such time notwithstanding such failure by the board of county commissioners. If the assembly of delegates has not acted upon a message of disapproval filed with it by the board of county commissioners within fourteen days of such filing the measure shall be deemed to have been rejected by the assembly of delegates at the expiration of such period.

SECTION 3-9 Vacancy in Office of Board of County Commissioners If a vacancy occurs in the office of member of the board of county commissioners during the term for which a member is chosen, the assembly of delegates shall order the office to be filled at the next regular biennial state election to be held one hundred and twenty or more days following the date such vacancy occurs.

Forthwith when a vacancy in the office of board of county commissioners occurs, the assembly of delegates shall act to temporarily fill such vacancy by electing some suitable person, not a resident of the same municipality as either of the other members of the board of county commissioners who remain in office, and who shall serve in such office until a successor is chosen at the next biennial state election. Upon the election of a successor by the voters, such person shall forthwith assume the duties of the office and shall serve as a member of the board of county commissioners for the period between the election and the organization of the government on the first business day in January following, in addition to the term for which elected.

Nothing in this section shall be deemed to prevent a member of the assembly of delegates from being chosen to serve as temporary member of the board of county commissioners or from being a candidate for the office of county commissioner.

Whenever a member of the assembly of delegates becomes the temporary county commissioner pursuant to this provision, a vacancy shall be deemed to exist on the assembly of delegates from the municipality such person had represented.

SECTION 3-10 County Administrator, Qualifications, Term of Office; Compensation

(a) Appointment, Qualifications, Term of Office - The chief administrative officer of the county shall be a county administrator, who shall be appointed by majority vote of the board of county commissioners to serve for an indefinite term. The county administrator shall be a person especially fitted by education, training and experience in public administration to perform the duties of the office. The county administrator need not be a resident of Barnstable county at the time of appointment to the office but, the county administrator shall establish a residence in the county within a reasonable time. The county administrator shall devote full time to the office and shall hold no other public office elected or appointed, except as an unpaid member of a municipal multiple member body, nor be actively engaged in any other business, occupation or profession while serving as county administrator.

(b) Compensation - The board of county commissioners shall fix the compensation of the county administrator within the sum appropriated for that purpose, annually. The salary shall be reasonable and commensurate with the duties of the office and may not be lowered during the tenure of an incumbent.

(c) Administrative Powers - The county administrator shall exercise a general supervision and direction over all county agencies, unless otherwise provided by law. Each county agency shall furnish to the county administrator, forthwith when so requested, any information, materials or otherwise as the county administrator may request and as the needs of that office and the interest of the county may require.

SECTION 3-11 Powers and Duties The county administrator shall have, possess and may exercise all the powers, rights and duties

commonly associated with the office of chief administrative officer of a local governmental unit. The powers and duties of the county administrator shall include, but are not limited to, the following:

(a) To prepare and submit to the board of county commissioners for its consideration and further action an annual operating budget, and a capital outlay budget, as provided in article 5.

(b) To establish the schedules and procedures to be followed by all county departments, offices and agencies in connection with their budgets and supervise and administer all phases of the budgetary process following adoption of the budget by the assembly of delegates and throughout the fiscal year.

(c) To be responsible for the conduct of all negotiations with county employees concerning wages, hours and other conditions of employment and the negotiation of all other contracts proposed to be entered into by the county.

(d) To develop, install and maintain centralized procedures applicable to all county agencies, including, but not limited to purchasing, budgeting and personnel administration.

(e) To be responsible for recommending personnel actions to the board of county commissioners including the appointment and removal of officers and employees appointed by it.

(f) To keep the board of county commissioners, the assembly of delegates and the public fully informed as to the financial and administrative condition of the county by filing reports with the board of county commissioners, at least semi-annually, summarizing such condition.

(g) To make at any time such recommendations to the board of county commissioners for actions required to be taken by it as the county administrator deems necessary for the improvement of the county and for the welfare of its residents.

(h) To review and make recommendations to the board of county commissioners concerning all contracts, bonds or other instruments requiring the consent of the county.

(i) To review, analyze and forecast trends of county services, programs and finances and make such recommendations to the board of county commissioners, department heads and other personnel affected as the county administrator shall deem necessary, desirable or expedient.

(j) To inquire at any time into the conduct of office or performance of duty of any county officer, department head or employee.

(k) To require any county agency to prepare and to submit such reports, records and summaries of operations and activities as may be necessary to assist in the proper administration of the county.

(l) To perform any other duties as may be required to be performed by the county administrator by this charter, by county ordinance or by other vote of the board of county commissioners.

SECTION 3-13 Delegation of Authority The county administrator may authorize any subordinate officer, department head or employee of the county to exercise any power, function or duty assigned by this

charter to the county administrator provided, however, that all acts which are performed under any such delegation shall be deemed to be the acts of the county administrator.

SECTION 3-14 Acting County Administrator

(a) Temporary Absence - The county administrator shall by letter filed with the county clerk, designate a qualified county officer, department head or employee to exercise the powers and perform the duties of county administrator during a temporary absence.

(b) Vacancy - Any vacancy in the office of county administrator shall be filled as soon as possible by the board of county commissioners but pending such appointment the board of county commissioners shall designate a qualified county officer, department head or employee to perform the duties of the county administrator on an acting basis, or, it may appoint a qualified retired county officer, department head or employee to serve as acting county administrator. The appointment of an acting county administrator shall be for a term not to exceed three months, provided however, one renewal thereof, not to exceed an additional three months, may be made.

(c) Powers and Duties - The powers of a temporary or acting county administrator, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations, to county office or employment, but no appointments or designations of a permanent nature shall be made.

SECTION 3-15 Removal and Suspension The board of county commissioners may, by a majority vote of the full board of county commissioners, terminate and remove, or suspend, the county administrator from office in accordance with the following procedure:

(a) The board of county commissioners shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the county administrator for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the county administrator forthwith.

(b) Within five days after receipt of the preliminary resolution the county administrator may request a public hearing by filing a written request for such hearing with the county clerk. This hearing shall be held at a meeting of the board of county commissioners not later than thirty days after the request is filed nor earlier than twenty days. The county administrator may file a written statement responding to the reasons stated in the resolution of removal with the board of county commissioners provided the same is received at the office of the county clerk at least forty-eight hours in advance of the public hearing.

(c) The board of county commissioners may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the

preliminary resolution to the county administrator, if the county administrator has not requested a public hearing; or, within ten (10) days following the close of the the public hearing if the county administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal, and the county administrator shall, at the expiration of said time, forthwith resume the duties of the office.

The county administrator shall continue to receive a salary until the effective date of a final resolution of removal.

All authority and responsibility for such suspension or removal shall be in the board of county commissioners.

ARTICLE 4

ADMINISTRATIVE ORGANIZATION

SECTION 4-1 ELECTED COUNTY OFFICERS

(a) In General - Notwithstanding direct election by the voters, the officers named in this section shall be subject to the call of the board of county commissioners at all reasonable times for consultation, discussion and for the coordination of the business of the county.

(b) Vacancies - In the event a vacancy shall occur in any office filled by the voters under this section, the board of county commissioners, subject to the approval of the assembly of delegates, shall appoint a suitable person to serve until the next biennial state election at which time the office shall be filled by the voters for the regular term of years.

(c) County Sheriff - There shall be a county sheriff elected as provided by law.

The county sheriff shall have the general care and superintendence of all jails and houses of correction maintained or kept by the county. The county sheriff shall have all of the other powers and duties which are given to county sheriffs by general laws and such additional powers and duties as may be provided by county ordinance or administrative code.

SECTION 4-2 APPOINTED COUNTY OFFICERS

(a) In General - The activities under the direction and supervision of the board of county commissioners shall be distributed among such departments, offices and agencies as are established by this charter, or as may be established by ordinance, or by administrative code not inconsistent with this charter.

Every department, office and agency of the county shall be headed by an officer appointed by and subject to the direction and supervision of the board of county commissioners. With the consent of the assembly of delegates, the board of county commissioners may appoint the same person to serve as the head of two or more departments, offices or agencies of the county.

The board of county commissioners may appoint, from time to time, one or more qualified citizens to serve as advisors to the board of county commissioners or to any department, office or agency of the county.

(b) Charter Departments and Agencies

1. DEPARTMENT OF FINANCE There shall be a department of finance which shall be headed by a director of finance who shall be a person especially fitted by education, training and experience to perform the duties of the office.

The department of finance shall be responsible for overseeing all of the financial affairs of the county and shall include the office of county treasurer. The county treasurer shall be a person especially fitted by education, training and experience to perform the duties of the office.

The department of finance shall have all of the powers and duties which are given to county treasurers by general laws, and such additional powers and duties as may be provided by county ordinance or administrative code which relate to financial matters and affairs; provided, however, that the county treasurer to be elected under the provisions of subsection (d) of section 10-4 of article 10 shall have and exercise all the powers and duties given to the county treasurer by the General Laws until the expiration of his term or a vacancy in said office.

2. REGISTER OF DEEDS There shall be a register of deeds who shall be appointed by the board of county commissioners for a term of office as established by ordinance. The register of deeds shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

The register of deeds shall have general charge and superintendence of the Barnstable County registry of deeds and all of the books, records, deeds and other papers belonging thereto. The register of deeds shall have all of the powers, and duties which are given to registers of deeds by the General Laws and such other powers and duties as may provided by county ordinance or administrative code; provided, however, that the register of deeds to be elected under the provisions of subsection (d) of section 10-4 of article 10 shall have and exercise all the powers and duties given to registers of deeds by the General Laws until the expiration of his term or a vacancy in said office.

3. OFFICE OF THE COUNTY CLERK There shall be a county clerk, appointed by the board of county commissioners to serve for a term of office as established by ordinance. The county clerk shall be a person especially qualified by education, training and experience to perform the duties of the office.

The office of the county clerk shall serve as the chief records keeper for the county, shall coordinate the sending of all notices and other correspondence from the county to the several cities and towns within the county and shall receive all notices and other official correspondence from the cities and towns directed to the county, shall coordinate and supervise all election and election related matters affecting the county with the city and town clerks, boards of registrars of voters, election commissions and other local officers performing similar duties. The county clerk may, if chosen by the assembly of delegates, serve as clerk

of the assembly of delegates.

The office of county clerk shall perform and may exercise such other powers and duties as may be assigned by this charter, by ordinance or by other vote of the assembly of delegates.

4. REGIONAL PLANNING AGENCY Any regional planning activity or function, including the Cape Cod planning and economic development commission, established pursuant to the provisions of chapter four hundred and fifty-three of the acts of nineteen hundred and sixty-five shall for all purposes be considered to be an agency under the new county charter and subject to all of the provisions of this charter. The Cape Cod commission shall be deemed to be an agency within the structure of Barnstable County subject to all of the administrative, budgetary and other provisions of this charter. The assembly of delegates and the board of county commissioners shall have and may exercise all authority for regional planning and environmental controls and management as may be authorized by state law and shall be responsible for the establishment of policies to guide all regional planning and development activities.

5. MERIT PERSONNEL SYSTEM There shall be established a merit personnel system which shall be administered by the county administrator or another appropriate county officer to be determined by ordinance which shall include provision for all personnel matters not covered by or in conflict with a collective bargaining agreement, including, but not limited to such matters as classification of positions, recruitment, promotion, transfer, training, grievance procedures, evaluation and affirmative action.

c. Administrative Organization.

1. ORGANIZATION OF COUNTY AGENCIES The organization of the county into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

(i) Ordinances - Subject only to an express prohibition in a general law or this charter, the assembly of delegates may, by ordinance, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection or, if a multiple member body, the number of members of any county agency, in whole or in part, establish new county agencies and may prescribe the functions, powers, duties and responsibilities of any such county agency.

(ii) Executive Reorganizations - The board of county commissioners, after consultation with any department, office or agency affected, may, from time to time, prepare and submit to the assembly of delegates plans of organization or reorganization for county administration. Whenever the board of county commissioners prepares such a plan they shall invite representatives of the department, office or agency affected to attend one or more public hearings on such proposal, which the board of county commissioners shall hold after giving notice by publication in a

local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The board of county commissioners shall, following such hearing, provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to the assembly of delegates. Said plan shall become effective at the expiration of sixty days following the date of its submission to the assembly of delegates unless the assembly of delegates has sooner adopted it or has rejected it by a formal vote.

In acting upon an executive reorganization plan the assembly of delegates may act only to approve or to disapprove of the plan and may not vote to amend it in any way.

2. TABLE OF ORGANIZATION The board of county commissioners shall prepare, maintain and keep current an organization chart which includes the personnel staffing as authorized for each county department, office and agency.

3. PUBLICATION OF ADMINISTRATIVE CODE AND TABLE OF ORGANIZATION Whenever any change is made in the administrative structure of the county a revised table of organization shall be published as an appendix to the revised ordinances of the county.

ARTICLE 5

FISCAL PROCEDURES

Section 5–1 Fiscal Year The fiscal year of Barnstable county shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5–2 Advisory Board on County Expenditures There shall be an advisory board on county expenditures comprised of persons representing each municipality within the county. The representative from each municipality shall be the chief executive officer of the municipality, if any, or, in a town, any member of the board of selectmen designated by such body. The designated representative of each municipality shall, after subscribing to an oath of office, receive a certificate of such appointment from the municipal clerk.

The powers of the advisory board on county expenditures for Barnstable county shall be as provided in this charter and not the same as those provided for under section twenty-eight B of chapter thirty-five of the General Laws.

Each municipality in Barnstable county shall be afforded a vote as a member of the advisory board on county expenditures proportionate to the percentage its total population is to the total population of Barnstable County based on the most recent federal census, or decennial census estimate.

Section 5-3 Submission of Proposed Budget Every county agency or department shall submit to the county administrator its requested annual budget on or before the date designated by the board of county commissioners. The county administrator, operating within guidelines and instructions issued by the board of county commissioners, shall prepare a proposed operating budget for the ensuing fiscal year and shall submit the same to the board of county commissioners for its review. Within a time fixed by ordinance, the board of county commissioners shall simultaneously, submit to the assembly of delegates and to the advisory board on county expenditures its proposed operating budget for the ensuing fiscal year, with an accompanying budget message and supporting documents. The board of county commissioners shall simultaneously provide a general summary of the proposed budget to be made available to representatives of the communications media and shall cause a legal notice to be published in a local newspaper indicating the times and places at which complete copies of the proposed budget and accompanying materials are available for inspection by the public.

Section 5-4 Budget Message The budget message submitted by the board of county commissioners shall explain the proposed budget for all county agencies, both in fiscal terms and in terms of work programs. The budget message shall outline proposed financial policies of the county for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the county's debt position; and include such additional information as the board of county commissioners deems desirable.

Section 5-5 The Proposed Budget The proposed operating budget shall provide a complete financial plan of all county funds and activities. In the presentation of the proposed budget the board of county commissioners shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. The budget shall be arranged to show actual and estimated income and expenditures for the previous, current, and ensuing fiscal year and shall indicate, in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by county agency, function and work programs, and the proposed methods of financing such expenditures.

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by county agency, and the proposed methods of financing such expenditures.

(c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the Proposed Budget

(a) Public Hearing - The advisory board on county expenditures shall,

within sixty days after receipt of the proposed budget, provide for the publication in a local newspaper of a notice stating the date, time and place, not less than seven nor more than fourteen days following such publication, when a public hearing will be held by the advisory board on county expenditures on the proposed budget.

(b) Review - The advisory board on county expenditures shall consider, in open public meetings, the detailed expenditures proposed for each county agency and may confer with representatives of any county agency in connection with its review and consideration. The advisory board on county expenditures may require the board of county commissioners, the county administrator, or any other county agency through the county administrator, to furnish it with such additional information as it may deem necessary to assist it in its review of the proposed budget.

(c) Recommendations - The advisory board on county expenditures shall file a report with the assembly of delegates containing its recommendations with respect to each item contained in the proposed budget and its reason or reasons for each recommendation which differs from the recommendation of the board of county commissioners.

(d) Action by Assembly of Delegates - The assembly of delegates shall adopt a budget for the ensuing fiscal year not later than the first day of June in the preceding fiscal year. In acting upon the budget the assembly of delegates shall give due regard to the recommendations made by the advisory board on county expenditures and no appropriation different from that proposed to be made by the advisory board on county expenditures shall be effective unless it has been adopted by a vote of the assembly of delegates representing sixty per cent, or more, of the population of Barnstable county, taken by roll call and the vote of each member recorded thereon. If the assembly of delegates has not taken final action with respect to any amount recommended in the proposed budget by said first day of June such amount shall, without any action by the assembly of delegates become a part of the appropriations for the ensuing fiscal year.

Section 5-7 Capital Improvement Program The board of county commissioners shall submit a capital improvement program to the assembly of delegates and to the advisory board on county expenditures at least thirty days prior to the date fixed by ordinance for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

(a) A clear, concise, general summary of its contents.

(b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.

(c) Cost estimates, methods of financing and recommended time schedules.

(d) The estimated annual cost of operating and maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still

pending, or in the process of being acquired, improved or constructed.

Section 5-8 Annual Audits An independent audit of the county's finances shall be performed annually, by a certified public accounting firm with experience in municipal and other public agency audits, chosen by the assembly of delegates for a term of three years. The summary table and the management letter as submitted with the annual audit shall, within thirty days following receipt, be published together with a statement of the board of county commissioners which indicates the steps it intends to take in response to each matter as set out in the management letter.

ARTICLE 6

JOINT PERFORMANCE OF FUNCTIONS

Section 6-1 Purpose Units of local government shall be encouraged to make the most effective and efficient use of their powers and their resources and may cooperate with one another, through the county, to provide services and facilities in a manner that will best serve geographic, economic, population, and other factors and without regard for any existing political boundaries.

The term local service function as used in this article is intended to mean any government service, or group of closely allied governmental services performed by a unit of local government for its inhabitants and for which, under constitutional and statutory provisions and judicial interpretation, units of local government, as distinguished from the state government, have the primary responsibility to provide and to finance. For the purpose of illustration only, and without in any way intending to limit the foregoing, the following are current examples of some local service functions:

1) public works, including street and road layout, construction and maintenance; dredging of channels and harbors;
2) refuse and garbage removal, collection and disposal;
3) public health services;
4) building inspection, including, wire, gas and plumbing inspections;
5) water supply, treatment and distribution;
6) sewage collection, treatment and disposal;
7) police, fire and other public safety services;
8) parks, playgrounds and other recreation related facilities and programs;
9) assessment of real and personal property;
10) planning and zoning.
11) transportation

This section shall include all possible local government units whether listed or not and is intended to be interpreted in a manner to allow the assembly of delegates the widest latitude possible in entering into agreements for joint performance of functions.

Section 6-2 Interlocal Contracts

(a) Scope - Any unit of local government may contract with the county to provide for it any local service function which the unit of local government is authorized to perform, provided that such contract shall be first ratified or approved by the legislative body of such unit of local government.

(b) Contents of Agreements - Every contract entered into by the county for the provision of services to units of local government shall contain at least the following provisions:

1) its duration or other term;

2) the precise organization, composition, and nature of any administrative entity established for the purpose of overseeing the delivery of any such service function;

3) the exact nature of the service, activity, undertaking or function which is to be provided;

4) the manner of financing, establishing and maintaining a budget and of accounting and other record keeping requirements;

5) the method by which amendments to the agreement are to be proposed and adopted, including provision for complete or partial recision or termination of the agreement;

6) the manner by which any materials, supplies or other property acquired during the period of the agreement are to be distributed in the event of a termination; and may contain any other necessary or proper matters to such an agreement.

(c) Appropriations, etc. - Any unit of local government entering into an agreement pursuant to this section may appropriate funds and may sell, lease, give, or otherwise supply or make available to the administrative entity charged with oversight of the service function, personnel, services, materials, supplies including real or personal property, as may be mutually agreeable to the parties.

Section 6-3 Transfer of Functions Whenever two or more units of local government in Barnstable county shall determine, by the adoption of substantially similar resolutions of their legislative bodies that the operations, procedures or functions of such units can more effectively and efficiently be exercised or provided as a consolidated activity performed by a single office or agency, such units of local government are hereby authorized to petition the county government to provide for the establishment of a single office or agency in which to consolidate any or all of the operations, procedures, functions performed or carried out by such individual offices or agencies.

The board of county commissioners, shall review all such petitions as are received by it requesting the establishment of a single office or agency to provide a local service function and shall, in conjunction with designated representatives of the units of local government concerned, act to develop such single office or agency as in each particular circumstance best meets the needs of the units concerned.

Except when otherwise specifically provided in the resolutions adopted by the respective legislative bodies in the transfer of a power or function

from a unit of local government to a consolidated agency or office such consolidated office or agency shall be the successor in every way to the powers, duties, functions and obligations now or hereafter granted to or imposed by law upon the offices and agencies thus consolidated.

The ordinance establishing a consolidated office or agency for any two or more units of local government shall be substantially in conformity with the provisions of section 6-2(b).

Before any such consolidation shall become effective the ordinance as finally adopted by the assembly of delegates shall be presented to the legislative bodies of the affected units of local government for acceptance.

Section 6-4 Subordinate Service Areas

(a) Creation by Assembly of Delegates - The assembly of delegates may establish a subordinate service area in any portion of the county by adoption of an appropriate ordinance on its own initiative or as a response to a request made for the provision of services to any two or more units of local government either by contract or by consolidation.

The ordinance shall specify the service or services to be provided, the territorial boundaries and the manner in which such service area is to be governed or administered.

(b) Creation by Petition - A petition signed by one per cent of the voters as of the date of the most recent state election in each of two or more units of local government in the county may be presented to the assembly of delegates requesting the establishment of a subordinate service area comprised of the said units of local government for the provision of a particular service or services.

Upon receipt of a petition on which the signatures of voters have been verified by the board of registrars of voters in the units concerned, the assembly of delegates shall hold a public hearing on the question of whether or not such subordinate service area shall be established.

Within thirty days following the adjournment of the public hearing, the assembly of delegates shall approve or disapprove the establishment of the requested subordinate service area. An ordinance providing for such subordinate service area may differ from the petition as originally presented, but no ordinance establishing such a subordinate service area shall become effective until it shall have been approved by the legislative bodies in the communities concerned.

ARTICLE 7

MUNICIPAL PETITIONS, CITIZEN INITIATIVES, REFERENDUM, RECALL

SECTION 7-1 Municipal Petitions The assembly of delegates shall hold a public hearing and act finally on every petition which is submitted to it which has been approved or otherwise endorsed by the legislative body of any governmental unit in the county. The public hearing shall be

held within six weeks following the date the petition is submitted to the county clerk and the final vote on the petition shall be taken within six weeks following adjournment of the public hearing. Hearings on two or more petitions filed under this section may be held at the same time and place. In addition to notice by publication as otherwise required, the county clerk shall give at least fourteen days notice of the public hearing to the clerk of the governmental unit having filed the same.

SECTION 7-2 CITIZENS INITIATIVE MEASURES

(a) Commencement - Initiative procedures may be commenced by the filing of an initiative petition with the county clerk. The petition shall be addressed to the assembly of delegates and shall contain a request for the passage of a particular ordinance which shall be set out in said petition or by attachment to the said petition. The petition shall be signed by not less than three per cent of the total number of voters of the county as of the date of the most recent state election, provided, however, not more than twenty-five per cent of the signatures shall be from any one municipality. Signatures to the said petition need not all be on one paper but all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk the petitions shall have been certified by the boards of registrars of voters of each municipality in which collected. The board of registrars of voters in each municipality in which such petition forms are filed shall, within seven days following their submission, certify the signatures which are the names of voters in their respective municipality.

(b) Referral to County Legal Officer - If the county clerk shall have verified the initiative petition has been filed by a sufficient number of voters a copy of the particular ordinance contained in the said petition shall forthwith be directed to the county legal officer. Within ten days following receipt of the copy of the said ordinance the county legal officer shall, in writing, advise the assembly of delegates whether the ordinance as proposed may validly be proposed by the initiative process and whether such ordinance may lawfully be adopted by the assembly of delegates. If the opinion of the county legal officer is that the ordinance does not qualify for the initiative procedure, or that the ordinance may not lawfully be adopted by the assembly of delegates the reasons for such opinion shall be stated in full and a copy of the said opinion shall be furnished to the committee designated on said petition as having filed the same.

(c) Action on Petition - Within thirty days following the date a petition has been returned to the assembly of delegates by the county legal officer having been found by such officer to be conformable to law, the assembly of delegates shall act with respect to such petition by adopting the same or by adopting a ordinance which is stated to be in lieu thereof, or by rejecting it. The passage of an ordinance which is stated to be in lieu thereof shall be deemed a rejection. If the assembly of delegates has failed to act on such ordinance within the said thirty days, it shall be deemed to have been rejected on the said thirtieth day.

If an initiative ordinance is rejected, the county clerk shall forthwith give notice of such fact in writing to the committee designated as having filed the same.

(d) Supplementary Petitions - Within forty-five days following the date of the notice of rejection given by the county clerk to the petitioners' committee, a supplementary initiative petition may be submitted to the assembly of delegates. The supplementary initiative petition shall be signed by a number of additional voters which is equal to at least one per cent of the total number of persons registered to vote in the county as of the date of the most recent state election, provided, however, not more than twenty-five per cent of the signatures shall be from any one municipality. Signatures to the said supplementary petition need not all be on one paper but shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk the petitions shall have been certified by the boards of registrars of voters of each municipality in which collected. The board of registrars of voters in each municipality in which such petition forms filed shall, within seven days following their submission, certify the signatures which the names of voters in their respective municipality. If the number of signatures is deemed to be sufficient, the assembly of delegates shall make provision for the submission of the question to the voters at the next biennial state election occurring ninety or more days following the date of the certificate that the petitions do contain the names of at least one per cent of the voters of the county and that a valid supplementary petition has been filed.

(e) Publication - The full text of the proposed ordinance shall be printed and distributed by the assembly of delegates to each residence in the county known to contain one or more registered voters not less than two weeks prior to the date of the election at which the question will be voted upon.

(f) Form of Ballot Question - The ballots used when voting on a ordinance proposed by voters shall contain a question in substantially the following form:

"Shall the following ordinance which was proposed by an initiative petition of voters take effect?"

(Insert here the text of the proposed ordinance, or, a fair, concise summary of the proposed ordinance prepared by the county legal officer.)

(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative the ordinance shall be deemed to be effective immediately, unless a later date is specified in the ordinance.

SECTION 7-3 CITIZEN REFERENDUM PROCEDURES

(a) Referendum Petition, Effect on Final Approval - Within twenty-one days following the date on which the assembly of delegates has given final approval to any ordinance, a petition signed by a number of voters equal to not less than one per cent of the total number of persons registered to vote in the county as of the date of the most recent state election may be filed with the county clerk protesting against such ordinance or any part thereof from taking effect. The

assembly of delegates shall forthwith following receipt of such a petition reconsider such ordinance or part thereof, and if such ordinance or part thereof is not then rescinded, the taking effect of such ordinance shall be suspended pending the submission of the same to the voters. The assembly of delegates shall provide for the submission of the question to the voters at the next regular state election.

(b) Certain Initiative Procedures to Apply - The petition described in this section shall be termed a referendum petition and insofar as applicable the procedures described in section 7-2 shall apply in respect thereto except that the words "ordinance or part thereof" shall be understood to replace the words "proposed ordinance" in said section and the word "referendum" shall be deemed to replace the word "initiative" where it may occur.

SECTION 7-4 EXCLUDED MATTERS The following matters shall not be deemed to be within the scope of the provisions for citizen initiative and referendum: (1) proceedings relating to the internal organization or operation of the assembly of delegates; (2) an ordinance passed in conformity with section 2-9; (3) the county budget as a whole; (4) a revenue loan order; or, (5) any appropriation for the payment of any county debt or other obligation.

SECTION 7-5 SUBMISSION OF OTHER ORDINANCES TO VOTERS The assembly of delegates may, on its own motion, submit to the voters of the county for adoption or rejection at any election any proposed ordinance, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as is provided in this article for submission by petition.

SECTION 7-6 NOTICE TO SECRETARY OF THE COMMONWEALTH Whenever, pursuant to the provisions of this article relating to initiative and referendum, the assembly of delegates intends that a question is to appear on the state election ballot the county clerk shall at the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question or questions, and the form in which such question or questions are to appear on such ballots.

ARTICLE 8

ELECTION RELATED MATTERS

SECTION 8-1 ELECTIONS The regular elections for county offices shall be held in conjunction with the biennial state election.

SECTION 8-2 APPLICATION OF STATE ELECTION LAWS Except as is expressly provided in this charter all elections for county offices shall be in conformity with and shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters,

the nomination of candidates, the conduct of preliminary or primary elections, special elections and regular elections, the submission of propositions to the voters, the counting of votes and the declaration of results.

SECTION 8-3 NOMINATIONS The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of candidates for the office of county commissioner the nomination papers shall be signed in the aggregate by at least five hundred voters of the county.

Candidates for the office of assembly delegate shall be by nomination papers signed in the aggregate by at least twenty voters of the municipality from which election is sought. Elections for the office of assembly delegate shall be non partisan and the names of candidates shall not appear on the ballot at the state primary election. All persons who have filed nomination papers having in the aggregate the names of twenty or more registered voters shall be entitled to have their names appear on the ballot at the general election.

The office of the secretary of the commonwealth shall supply candidates for county office with nomination papers and shall issue certificates of nomination to candidates through the office of the county clerk.

Every nomination paper for a candidate for assembly delegate shall be submitted to the registrars of voters of the municipality where the signers appear to be voters on or before five o'clock post meridian on the twenty-eighth day preceding the day on which it must be filed with the county clerk. Nomination papers shall be filed by the candidate with the county clerk on or before the eleventh Tuesday preceding the day of election. The county clerk shall certify a correct list of candidates to the secretary of the commonwealth on or before the tenth Tuesday preceding the day of election. If the secretary of the commonwealth shall fail to receive said certified list of candidates on or before said date, the names of candidates shall not be printed on the ballot. The county clerk shall receive the election results from the municipal clerks, shall tabulate the results and shall certify those elected.

If the secretary of the commonwealth cannot accommodate the names of all candidates for county office on the ballot in any particular community such officer may, in such cases, prepare a separate ballot for candidates for county offices.

ARTICLE 9

GENERAL PROVISIONS

Section 9-1 Charter Changes This charter may be replaced, revised or amended in accordance with the procedure made available under chapter eight hundred and one of the acts of nineteen hundred and eighty-five and it may also be amended in accordance with the following procedures.

The assembly of delegates may, by a two-thirds vote of its full membership, provide for the submission of any proposed amendments to this charter to the voters except any amendment which relates in any way to the composition, mode of election or term of office of the legislative body or of the mode of election, or appointment, or term of office of the chief executive or administrative officer of the county. Amendments proposed by the assembly of delegates shall become effective if approved by a majority of the voters voting thereon at the next regular biennial state election held more than one hundred and fifty days following the date of the vote of the assembly of delegates.

Amendments to this charter which relate in any way to the composition, mode of election, or term of office of the legislative body, or the election or appointment or term of office of the chief executive or administrative officer of the county shall be proposed to the voters only after the enactment by the state legislature of a special law approving of a petition filed by the assembly of delegates with the approval of the board of county commissioners.

The assembly of delegates may, by a vote of its members representing a majority of the population of Barnstable county, file a petition for a special law relating to the organization or operation of the county government with the clerk of either branch of the general court at any time. Such petitions shall, upon receipt be referred by such clerk to an appropriate legislative committee.

Whenever, pursuant to the provisions of this section relating to charter amendments, the assembly of delegates intends that a question is to appear on the state election ballot the county clerk shall at the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question, or questions, and the form in which such question or questions are to appear on such ballots.

Section 9-2 Specific Provisions to Prevail To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 9-3 Rules and Regulations A copy of all rules and regulations adopted by county agencies shall be placed on file in the office of the county clerk and made available for review by any person who shall request such information. No rule or regulation adopted by any county agency shall become effective until ten days following the day it is so filed in the office of the county clerk.

Section 9-4 Periodic Review, Charter and Ordinances

(a) Charter/Ordinance Review - At least once in every five years, in years ending in a five or in a zero, the assembly of delegates shall provide for a special committee to be established which shall be charged with the responsibility of reviewing the then-existing charter and ordinances of the county for the purpose of determining if any amendments or revisions may be necessary or desirable, and to make a

report, with recommendations, to the assembly of delegates concerning any proposed amendments or revisions which said committee may deem to be necessary or desirable. Such review may be conducted in conjunction with the county legal officer, or if the assembly of delegates so directs, by special counsel retained for that purpose. The committee shall include representation of municipal officials of the municipalities which comprise the county.

Reports, with recommendations, should be submitted to the assembly of delegates not more than ten months following the date such committee is appointed.

(b) Copies of Charter and Ordinances - Copies of the charter and ordinances of the county, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the county clerk. A fee may be charged, not to exceed the actual cost of reproduction of the said material. In any interval between publication of the charter or ordinances, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or ordinances since last published in consolidated form.

Section 9-5 Loss of Office, Excessive Absence If any person appointed to serve as a member of a multiple member body shall fail to attend three or more consecutive meetings, or more than one-half of all meetings held during one calendar year, the remaining members of the multiple member body may by vote of a majority of the remaining members declare the office of such person vacant, provided that prior to the vote on such question, written notice of an intention so to do shall be given in hand, or mailed to the last known address of such person.

Section 9-6 Procedures Governing Multiple Member Bodies

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the county as they may, by vote, prescribe. Special meetings of any multiple member body shall be held upon the call of its chairperson, or by one-third of the members thereof, by written notice indicating the subject to be acted upon to each member at least seventy-two hours in advance of the time set, except in the case of emergency. A copy of the same notice shall be posted on the county bulletin board. Regular meetings of all multiple member bodies shall be held in public buildings in Barnstable County.

(b) Rules and Minutes - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter, by ordinance, or by law. Each multiple member body shall also provide for the keeping of minutes of its own proceedings.

(c) Voting - If requested by any member, any vote of a multiple member body shall be taken by a roll call and the vote of each member shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.

(d) Quorum - A majority of the full membership of a multiple member body shall constitute a quorum, but a lesser number may meet

and adjourn from time to time. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority vote.

(e) Filling of Vacancies – Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the county administrator shall fill such vacancy for the remainder of the unexpired term.

Section 9–7 Notice of Vacancies

(a) Posting – Whenever a vacancy occurs in any appointed county office or county employment, the board of county commissioners or other appointing authority shall forthwith cause public notice of the vacancy to be posted on the county bulletin board for not less than fourteen days and advertised once in each of two successive weeks in a local newspaper.

(b) Contents – The aforesaid notices shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications therefor.

(c) Exception – This section shall not apply to positions covered by the civil service law and rules or to the extent that it conflicts with the requirements provided under the terms of a collective bargaining agreement.

(d) Publication, List of County Officers – Every January, the board of county commissioners shall place an advertisement notice in a local newspaper listing all appointed county offices and positions together with the term of office of each.

Section 9–8 Removals and Suspensions

(a) Scope – Any appointed officer or employee of the county, not covered by the provisions of general law or the terms of a collective bargaining agreement, whether appointed for a fixed or an indefinite term, may be suspended or removed from duty by the appointing authority.

(b) Procedure – The appointing authority, when acting to remove or to suspend any appointed officer or county employee, shall act in accordance with the following procedure:

(1) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefor shall be delivered in hand to the officer or employee, or mailed, by registered or certified mail to the employee's last known address.

(2) Within five days following delivery of the said notice, the officer or employee may request a hearing by submitting, in writing, a request therefor to the appointing authority, and by filing a copy of said request in the office of the clerk of the assembly of delegates.

(3) The appointing authority shall hold a hearing not less than seven

nor more than fourteen days following the date of receipt of a request therefor, and shall give not less than five days written notice of such hearing to the officer or employee affected. The officer or employee shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses and to introduce evidence at the hearing. The hearing shall be conducted in conformance with section twenty-three B of chapter thirty-nine of the General Laws.

(4) Not more than fourteen days following the hearing, or not more than fourteen days following the delivery of the original notice of intent if no public hearing has been requested, the appointing authority shall take final action on the removal or suspension and shall, forthwith, notify the officer or employee of the removal or suspension, or that the notice of intent has been rescinded.

Section 9-9 Definitions Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

(a) Charter - The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.

(b) County - The word "county" shall mean the county of Barnstable.

(c) County Agency - The words "county agency" shall mean any board, commission, committee or other multiple member body, and any department, division, or office of the county of Barnstable.

(d) County Bulletin Boards - The words "county bulletin boards" shall mean the bulletin board in the Barnstable county court house building on which official notices are posted, and those at such other locations within the county which may, from time to time, be established by vote of the assembly of delegates.

(e) County Officer - The words "county officer" when used without further qualification or description, shall mean a person elected to a county office or a person having charge of an office or department of the county, who in the exercise of the powers or duties of the office exercises some portion of the sovereign power of the county.

(f) Days - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.

(g) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(h) general laws - The words "general laws" (all lower case letters) shall mean laws which apply alike to all counties.

(i) General Laws - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts.

(j) Local Newspapers - The words "local newspapers" shall mean at least one daily newspaper of general circulation in one or more parts of the county.

(k) Majority Vote - The words "majority vote" shall, except when used in connection with the assembly of delegates, mean a majority of

the members of a multiple member body present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rules. When used in connection with the assembly of delegates the words "majority vote" shall mean a vote of delegates representing a majority of the population of Barnstable county.

(l) Multiple Member Body - The words "multiple member body" shall mean any county body consisting or two or more persons, whether elected, appointed, or otherwise constituted, but not the assembly of delegates.

(m) Municipal Bulletin Boards - The words "municipal bulletin boards" shall mean the bulletin board, or boards, in each of the municipalities of the county on which official municipal notices are posted.

(n) Voters - The word "voters" shall mean persons who are registered to vote in any municipality comprising the county of Barnstable.

Section 9-10 Nepotism Forbidden Every elected and appointed county official is prohibited from participating in any particular matter in which any member of their immediate family has a financial interest.

ARTICLE 10

TRANSITIONAL PROVISIONS

Section 10-1 Effect on Laws All general laws, special laws, rules and regulations of or pertaining to the county that are in force when this charter takes effect and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed or rescinded by due course of law or until they expire their own limitation.

Section 10-2 Continuation of Government All county agencies shall continue to perform their duties until re-appointed, or re-elected, or until successors to their respective positions are fully appointed or elected, or until their duties have been transferred and assumed by another county agency.

Section 10-3 Transfer of Records and Property All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another county agency, shall be transferred forthwith to such agency.

Section 10-4 Continuation of Personnel Any person holding a county office or employment under the county shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this charter for the performance of such duties by another person or agency. No person in the permanent, full-time service or employment of the county shall forfeit pay grade or

time in service. Each such person shall be retained in an employment capacity as similar to their former employment capacity as is feasible.

Section 10-5 Time of Taking Effect. This charter shall not become fully effective until the first Wednesday in January in the year following the year in which this charter has been ratified by the voters of Barnstable county.

Upon its ratification by the voters, this charter shall become effective for the limited purposes as otherwise provided in this section:

(a) Forthwith following the enactment of this chapter, the secretary of the commonwealth shall cause to be prepared nomination forms for the office of assembly delegate for each town in Barnstable county to be elected at the state election in the current year. Nomination papers shall be issued by the said secretary to the several town clerks, along with a calendar indicating the dates on which nomination papers are to be returned, the time for review by boards of registrars of voters in said towns and the final date by which each such town clerk shall certify to the said secretary the names and addresses of candidates to be listed on the state election ballot. Notwithstanding section 8-3, in the current year only, every nomination paper of a candidate for assembly delegate shall be submitted to the registrars of voters of the municipality where the signers appear to be voters on or before five o'clock post meridian of the fourteenth day preceding the day on which it must be filed with the county clerk. The names of candidates for assembly delegate shall not be included on the ballots at the state primary election to be held in September.

(b) Until such time as the assembly of delegates shall act, in accordance with section 2-3, to establish a different level of compensation, each member of the assembly of delegates shall receive an annual salary of one thousand dollars.

(c) Until such time as the assembly of delegates shall act, in accordance with section 3-1(b), to establish a different level of compensation, each member of the board of county commissioners shall continue to receive the same salary as a member of such board as was in effect prior to the adoption of this home rule charter.

(d) Forthwith following the certification of the election results of the first election of delegates under this charter, the members elected shall be called together by the secretary of the commonwealth who shall present to each member a certificate of election, swear the members to the faithful performance of their duties and shall preside pending the temporary organization of the assembly of delegates.

Forthwith following its temporary organization, the members of the first assembly of delegates shall provide for the preparation of temporary rules and regulations governing the conduct of its meetings, provide for temporary officers and committees, and shall initiate procedures governing its formal organization in January of the year following the year in which elected.

(d)[e] Notwithstanding the provisions of article 4 of this charter, the offices of county treasurer and register of deeds shall not be filled by

appointment until the expiration of the term of office to be filled by another election for each such office next following the adoption of this charter; provided, however, that if following such election a vacancy shall occur in either of said offices for any reason the provisions of article 4 of this charter with respect to such office shall forthwith take effect.

(e)[f] Notwithstanding any provision of this charter to the contrary, the advisory committee on county expenditures, as currently established under the provisions of section twenty-eight B of chapter thirty-five, shall continue until the last day of June in the year following the year in which this charter is adopted by the voters. During the period following the inauguration of the first members of the assembly of delegates until the said last day of June the members of the advisory committee on county expenditures and the assembly of delegates shall jointly exercise the appropriation and other fiscal powers of the county which are assigned to either of them. Public hearings on the proposed budget for the county as submitted by the board of county commissioners shall be held jointly, any committees or subcommittees established to investigate any portion or portions of the proposed budget shall consist of an equal number of members, casting equally weighted votes, from each such body. All votes taken shall require a vote of the combined bodies representing a majority of the population of Barnstable County times two. The speaker of the assembly of delegates and the chairperson of the advisory committee on county expenditures shall jointly preside at all such meetings and hearings, but, in the event of a disagreement between them, the ruling of the speaker of the assembly of delegates shall prevail.

SECTION 2. In Barnstable county, in addition to the excise imposed on deeds, instruments and writings pursuant to the provisions of section twenty-three of chapter sixty-four D of the General Laws and chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, the Barnstable county assembly of delegates with the approval of the Barnstable county board of county commissioners may adopt an additional excise on such deeds, instruments and writings filed with the register of deeds of said county at a rate up to but not exceeding the rate imposed by the commonwealth under such statutes. The revenue provided by this additional excise shall be retained by Barnstable county. Provided, however, that the provisions of section four of chapter sixty-two F of the General Laws shall not apply to this section.

SECTION 3. The state secretary shall cause to be placed on the official ballot to be used in Barnstable county at the biennial state election to be held in the year nineteen hundred and eighty-eight the following question: "Shall an act be passed by the general court in the year nineteen hundred and eighty-eight entitled 'An act relative to a charter for the county of Barnstable', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative this act shall

take full effect, but not otherwise.

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

Approved July 16, 1988.

Chapter 164

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-NINE 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-nine, in this act referred to as the year nineteen hundred and eighty-nine, 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, 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	$2,068,000
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 and services program for the senate, prior appropriation continued	$250,000

Item		
0117-0000 For	the office of the senate committee on ways and means	$1,168,382
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	$75,000

House of Representatives.

0121-0000 For	the compensation of representatives	$7,400,000
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	$14,061
0124-0000 For	the office of the house counsel	$1,124,240
0125-0000 For	the office of the house committee on rules	$1,234,734
0125-0040 For	a reserve to meet the cost of certain salary adjustments for employees of the house of representatives; provided, that the speaker of the house of representatives is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof such amounts as are necessary to meet the costs of said salary adjustments where the amounts otherwise available are insufficient for the purpose	$800,000
0126-0000 For	the office of the house committee on ways and means	$979,840
0127-0000 For	clerical and other expenses of the members of the house of representatives	$2,813,281
0127-0020 For	administrative and legislative aides to the members of the house of representatives	$3,252,467
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 districts; 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	$51,450
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	$400,000
0127-0040 For	office supplies and other expenses of the house of representatives	$727,050
0129-0000 For	the expenses of televising sessions of the house of representatives	$520,000

Sergeant-at-Arms.

0131-0000 For	the office of the sergeant-at-arms, prior appropriation continued	$405,908

Item		
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	$2,365,000
0132-1000 For	the salaries of clerks employed in the legislative document room, prior appropriation continued	$377,900
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.	$250,000
135-0000 For	the rental, maintenance and updating of an electric roll call system	$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 of the house	$982,500
0143-0001 For	the administration of the office of legislative data processing, prior appropriation continued	$775,000
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	$152,880
0144-0000 For	legislative committee services for the house of representatives	$4,845,795
0144-0100 For	the expenses of the office of the house committee on personnel administration	$58,785
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	$175,000
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	$145,000

Item		
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	$180,000
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	$1,012,230
0185-7209 For	the expenses of the joint special committee on uniform sentencing and revision of the criminal law statutes	$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	$50,000
0185-7804 For	the expenses of the special commission on the development of Boston Harbor	$50,000
0185-7807 For	a study by the house committee on ways and means on the implementation of chapter twenty-three of the acts of nineteen hundred and eighty-eight	$150,000
0185-7810 For	the expenses of the special commission established to investigate and study the adequacy of water supply in the commonwealth	$60,000
0185-7817 For	studies by the senate committee on ways and means relative to operational efficiency of state government	$150,000
0185-7819 For	the expenses of the special commission on alcohol and drug abuse education	$50,000
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

Item		
0185-7821 For	the expenses of the special commission to study the causes of violence against children	$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	$250,000
0185-7823 To	provide for the expenses of an investigation and study relative to pay equity 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 pattern; 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	$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	$30,000
0185-7830 For	the expenses of the special commission to make an investigation and study relative to the adequacy of existing rules and regulations pertinent to the soft-shell clam and hard-shell clam industry, established by chapter five of the resolves of nineteen hundred and eighty-three	$10,000
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	$50,000
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	$100,000
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 hard-	

Item		
	ship on families	$50,000
0185-7842 For	the expenses of the special commission to make an investigation and study of the needs of the Portuguese-American population in the commonwealth, established by section sixty-three of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$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, and of the availability and affordability of programs for children at risk because they are "latch-key", so called	$20,000
0185-7844 For	the expenses of the joint special committee to make an investigation and study relative to the 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	$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	$50,000
0185-7846 For	the expenses of the special commission to make an investigation and study relative to employee involvement and ownership programs, established by section sixty-five of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$10,000
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 chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$50,000
0185-7856 For	the expenses of the special commission to study the availability of workers in long term care services for the elderly	$50,000
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	

Item		
	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 as established by section twenty-eight of chapter three hundred and three of the acts and resolves of nineteen hundred and eighty-seven	$50,000
0185-7861 For	the expenses of the special commission to prepare plans for the observance of the Quincentennial of the Voyages of Discovery of Christopher Columbus	$50,000
0185-7863 For	the expenses of the special senate committee on long range policy planning to make an investigation, direction 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	$86,000
0185-7867 For	the expenses of the special commission to make an investigation and study relative to aquaculture in the commonwealth, established by section ninety	$30,000
0185-7868 For	the expenses of the house special committee to make an investigation and study relative to the operation and regulations of small and medium-sized aircraft within the commonwealth, established by house order six thousand three hundred and eighty-six of nineteen hundred and eighty-seven	$25,000
0185-7869 For	the expenses of a special senate commission to make an investigation and study of feasible, cost-effective economic diversification strategies for defense contract industries in the commonwealth	$100,000
0185-7870 For	the expenses of a special commission to make an investigation and study of the impact of foreign investment in the commonwealth	$60,000
0185-7871 For	the expenses of the special commission to study worker availability in the human services professions	$95,000
0185-7888 For	studies by the senate committee on ways and means relative to the implementation of chapter twenty-three of the acts of nineteen hundred and eighty-eight	$150,000
0185-7889 For	the initial expenses of the special commission established under the provisions of section one hundred and thirteen	$150,000

INSPECTOR GENERAL.

0200-0100 For	the administration and expenses of the office of inspector general, including not more than thirty-four positions	$1,379,932

Item

JUDICIARY.

Notwithstanding the provision of section one to the contrary, items 0320-0001 to 0339-2200 are charged as follows:

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	$651,408
0320-0003 For	the salaries and expenses of the supreme judicial court; provided, that not less than twenty-five thousand dollars shall be obligated to a study documenting the historical development of the supreme judicial court over the last three hundred years; and provided further, that not less than two hundred thousand dollars shall be obligated for the completion of the gender bias study	$4,071,204
0320-0004 For	the salaries and expenses of recalled justices of the appellate courts	$185,186
0321-0001 For	the expenses of the commission on judicial conduct	$227,065
0321-0100 For	the service of the board of bar examiners	$533,237
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 twenty-seven positions	$32,569,283
0321-1600 For	the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that not less than one million one hundred thirty-eight thousand and thirty-two dollars shall be obligated for a disability representation project; provided further, that not less than ninety thousand dollars shall be expended to maintain legal advocacy services for people with disabilities; provided further, that not less than five hundred twenty-six thousand, four hundred and thirty-six dollars shall be obligated for a medicare advocacy project; provided further, that not less than four hundred fifty-three thousand, one hundred and ninety-two 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	$2,207,660
0321-2000 For	expenses of the mental health legal advisors committee, and for certain programs for	

Item		
	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	$319,536
0321-2100 For	a correctional legal services committee	$418,600
	Appeals Court.	
0322-0001 For	the salaries, traveling allowances and expenses of the chief justice and of the nine associate justices	$864,339
0322-0002 For	the salaries and expenses of the appeals court	$2,646,829
	Trial Court.	
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	$22,611,707
0330-0200 For	the salaries of the recalled justices of the trial court.	$1,620,638
0330-0300 For	the salaries and expenses of the administrative staff, including not more than one hundred positions	$3,900,000
0330-0400 For	non-employee services, so-called "03" subsidiary expenses, performed by private individuals and contracted services performed by agencies and consultants, including services performed by court stenographers, for the individual court divisions of the trial court to be expended as determined by the chief administrative justice; provided that not less than three hundred and fifty thousand dollars be expended on mediation services, including not less than seventy-five thousand dollars for mediation services in the district court of Chicopee, the district court of Springfield, and the district court of western Hampden (Westfield); provided, however, that not less than thirty-five thousand dollars shall be expended for an alternative sentencing program for the First, Second and Third District Courts of Southern Worcester County	$7,809,510
0330-0600 For	dental and optical health plan trust agreements	$1,351,376
0330-1000 For	payments of expenses of juries	$3,400,000
0330-2000 For	salaries and expenses of certain law libraries, including not more than thirty positions	$2,935,533

Item		
0330-2010 For	expenses related to computerized legal research	$167,945
0330-2020 For	centralized law book purchases	$376,744
0330-2030 For	expenses of the social law library located in Suffolk county	$717,500
0330-2040 For	phase III of the computerization of the social law library	$200,000
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 quarterly payments shall be made to counties equal to an amount which is at least ninety per cent of the amount owed to such county for such rent per quarter of the preceding fiscal year, subject to reconciliation based on accurate cost data in the fourth quarter or in the succeeding fiscal year; provided further, that payments to any county which fails to submit required cost data by the beginning of the third quarter of the fiscal year shall be withheld until such data is submitted to the chief administrative justice of the trial court and approved as accurate; provided further, that such cost data shall be also filed with the house and senate committees on ways and means; provided further, that Plymouth county shall be fully reimbursed a sum not to exceed two hundred fifty thousand dollars for repairs to the third district courthouse of Plymouth; provided further, that said repairs shall be completed before November first, nineteen hundred and eighty-eight; provided further, that every county which receives funds under this item shall maintain such funds in a separate account which shall 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 all expenditures under this item	$34,348,058
0330-2205 For	expenses to maintain and operate courthouse facilities owned by the commonwealth, including not more than two hundred eight positions	$7,125,211
0330-2300 For	payments of witness fees	$843,361
0330-2410 For	the salaries and expenses of the judicial training institute, including not more than five positions	$500,000
0330-2500 For	clerical assistance for the divisions of the trial court, including not more than ten positions	$619,685
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	$1,000,000
0330-2700 For	printing expenses	$2,000,000
0330-2800 For	repairs of equipment	$2,597,549

Item		
0330-3000 For	the purchase and rentals of equipment in the trial court, to be allocated by the chief administrative justice; provided, that in purchasing said equipment, the chief administrative justice shall utilize the approved vendor determined by the state purchasing agent for such equipment whenever the terms offered by such vendor are more favorable than those otherwise available	$2,611,439
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-eight shall be considered a full-time court officer for fiscal year nineteen hundred and eighty-nine; 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	$11,425,203
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	$959,990
0330-3301 For	payment of the employer portion of charges to the trial court for unemployment compensation and medicare tax	$571,035
0330-3700 For	salaries and expenses of the Court Interpreter Program, including not more than four positions	$137,970

Superior Court.

For Salaries and Expenses.

0331-0002 For the salaries and expenses of the superior court department; provided that at least three million two hundred fifty-one thousand nine hundred fifty dollars and one hundred twenty-six positions be made available to the administrative office; provided further that at least one million eight hundred ninety-one thousand six hundred fifty-six dollars and seventy-three positions be made available for clerical assistance to justices of the superior court; provided further, that six million five hundred forty-two thousand six hundred forty-six dollars and two hundred forty positions be made available for superior court probation services; provided further, that two hundred sixteen thousand seven hundred seventy-two dollars and seven positions be made available to Barnstable superior court; provided further, that two hundred fifteen thousand dollars and seven positions be made available to Berkshire superior court; provided further, that nine hundred sixty-one thousand eight hundred fifty-one dollars and thirty-three positions be made available to Bristol superior court; provided further, that seventy-six thousand seven hundred thirty-two dollars and two positions be made available to Dukes superior court; provided further, that one million one hundred twenty thousand one hundred nine dollars and

Item		
	forty positions be made available to Essex superior court; provided further, that one hundred eighty-three thousand two Franklin superior court; provided further, that one million seventy thousand nine hundred eighty dollars and thirty-seven positions be made available to Hampden superior court; provided further, that two hundred fifty-eight thousand eight hundred forty-two dollars and eight positions be made available to Hampshire superior court; provided further, that two million seven hundred fifty-seven thousand eight hundred twenty-two dollars and ninety-seven positions be made available to Middlesex superior court; provided further, that seventy-nine thousand one hundred thirty-two dollars and two positions be made available to Nantucket superior court; provided further, that one million eighty-four thousand three hundred twenty-two dollars and thirty-eight positions be made available to Norfolk superior court; provided further, that eight hundred ninety-five thousand one hundred thirty-six dollars and thirty-six positions be made available to Plymouth superior court; provided further, that three million fifty-three thousand three hundred twenty-three dollars and one hundred twenty-three positions be made available to Suffolk superior civil court; provided further that one million five hundred ninety-nine thousand five hundred forty-two dollars and sixty-nine positions be made available to Suffolk superior criminal court; provided further, that one million one hundred ninety-eight thousand one hundred thirty-six dollars and forty-five positions be made available to Worcester superior court, including not more than nine hundred sixteen positions	$26,550,915
	District Courts.	
	For Salaries and Expenses.	
0332-0100	For the salaries and expenses of the administrative staff; provided that, not less than one million three hundred and seventy-five thousand dollars shall be made available for a salary reserve for the district court department, including not more than forty-nine positions	$2,971,682
0332-1100	First district court of Barnstable, including not more than forty-eight positions	$1,378,888
0332-1200	Second district court of Barnstable (Orleans), including not more than twenty-five positions	$724,530
0332-1300	District court of northern Berkshire (Adams, North Adams, Williamstown), including not more than thirteen positions	$414,178
0332-1400	District court of central Berkshire (Pittsfield), including not more than twenty-two positions	$630,790
0332-1500	District court of southern Berkshire (Great Barrington, Lee); provided, that said court shall hold a session of the court on Monday and Thursday of each week and that said court shall be open Monday through Friday of each week, including not more than ten positions	$334,389
0332-1600	First district court of Bristol (Taunton), including not more than thirty-three positions	$904,429

Item		
0332-1700	Second district court of Bristol (Fall River), including not more than fifty-six positions	$1,340,253
0332-1800	Third district court of Bristol (New Bedford), including not more than fifty-five positions	$1,499,397
0332-1900	Fourth district court of Bristol (Attleboro), including not more than twenty-six positions	$691,021
0332-2000	District court of Edgartown, including not more than nine positions	$226,199
0332-2100	First district court of Essex (Salem), including not more than forty positions	$1,171,686
0332-2200	Second district court of Essex (Amesbury), including not more than fourteen positions	$335,481
0332-2300	Third district court of Essex (Ipswich), including not more than six positions	$171,739
0332-2400	Central district court of northern Essex (Haverhill), including not more than thirty-four positions	$1,000,622
0332-2500	District court of eastern Essex (Gloucester), including not more than nineteen positions	$557,153
0332-2600	District court of Lawrence, including not more than fifty-six positions	$1,597,073
0332-2700	District court of southern Essex (Lynn), including not more than fifty-five positions	$1,476,014
0332-2800	District court of Newburyport, including not more than twelve positions	$342,333
0332-2900	District court of Peabody, including not more than twenty-nine positions	$865,205
0332-3000	District court of Greenfield, including not more than twenty-four positions	$618,745
0332-3100	District court of Orange, including not more than twelve positions	$329,736
0332-3200	District court of Chicopee, including not more than twenty-four positions	$570,968
0332-3300	District court of Holyoke, including not more than twenty-six positions	$759,765
0332-3400	District court of eastern Hampden (Palmer), including not more than seventeen positions	$525,842
0332-3500	District court of Springfield, including not more than one hundred and fifteen positions	$3,061,897
0332-3600	District court of western Hampden (Westfield), including not more than twenty-one positions	$597,698
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	$1,398,562
0332-3800	District court of eastern Hampshire (Ware), including not more than ten positions	$294,900
0332-3900	District court of Lowell, including not more than eighty-two positions	$2,279,711
0332-4000	District court of Somerville, including not more than sixty-seven positions	$1,839,584
0332-4100	District court of Newton, including not more than twenty-eight positions	$857,005
0332-4200	District court of Marlborough, including not more than twenty-four positions	$757,893
0332-4300	District court of Natick, including not more than nineteen positions	$511,216
0332-4400	District court of eastern Middlesex (Malden), including not more than sixty-three positions	$1,780,731
0332-4500	Second district court of eastern Middlesex (Waltham), including not more than forty-two positions	$1,176,982
0332-4600	Third district court of eastern Middlesex (Cambridge), including not more than one hundred and six positions	$2,847,013
0332-4700	Fourth district court of eastern Middlesex (Woburn), including not more than fifty-nine positions	$1,582,723
0332-4800	First district court of northern Middlesex (Ayer), including not more than thirty-two positions	$944,864
0332-4900	First district court of southern Middlesex (Framingham), including not more than fifty-five positions	$1,545,236

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0332-5000	District court of central Middlesex (Concord), including not more than forty-one positions	$1,182,294
0332-5100	District court of Nantucket, including not more than eight positions	$164,033
0332-5200	District court of northern Norfolk (Dedham), including not more than fifty-seven positions	$1,355,879
0332-5300	District court of east Norfolk (Quincy), including not more than one hundred and twenty-three positions	$3,285,603
0332-5400	District court of western Norfolk (Wrentham), including not more than thirty-eight positions	$1,048,196
0332-5500	District court of southern Norfolk, including not more than forty-six positions	$1,252,277
0332-5600	Municipal court of Brookline, including not more than twenty-four positions	$694,795
0332-5700	District court of Brockton, including not more than eighty-four positions	$2,324,470
0332-5800	Second district court of Plymouth (Hingham), including not more than forty-four positions	$1,223,120
0332-5900	Third district court of Plymouth (Plymouth), including not more than forty-two positions	$1,079,773
0332-6000	Fourth district court of Plymouth (Wareham), including not more than thirty-six positions	$964,256
0332-6100	District court of Brighton, including not more than thirty-five positions	$938,428
0332-6200	District court of Charlestown, including not more than eighteen positions	$656,775
0332-6300	District court of Chelsea, including not more than forty-eight positions	$1,350,824
0332-6400	District court of Dorchester, including not more than one hundred and eighteen positions	$3,052,435
0332-6500	District court of East Boston, including not more than forty-seven positions	$1,428,005
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	$3,310,380
0332-6700	District court of South Boston, including not more than twenty-four positions	$764,818
0332-6800	District court of West Roxbury, including not more than forty-five positions	$1,350,466
0332-6900	Central district court of Worcester, including not more than ninety-one positions	$2,300,615
0332-7000	District court of Fitchburg, including not more than twenty-five positions	$717,481
0332-7100	District court of Leominster, including not more than twelve positions	$352,699
0332-7200	District court of Winchendon, including not more than three positions	$123,994
0332-7300	First district court of northern Worcester (Gardner), including not more than twenty-five positions	$759,716
0332-7400	First district court of eastern Worcester (Westborough), including not more than thirty positions	687,579
0332-7500	Second district court of eastern Worcester (Clinton), including not more than fifteen positions	$419,075
0332-7600	First district court of southern Worcester (Dudley), including not more than twenty-six positions	$747,808
0332-7700	Second district court of southern Worcester (Uxbridge), including not more than twenty-seven positions	$397,778
0332-7800	Third district court of southern Worcester (Milford), including not more than nineteen positions	$613,413
0332-7900	District court of western Worcester (Spencer), including not more than thirteen positions	$327,170
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	

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	twenty-five positions	$685,155
0332-8200	Northern Essex juvenile probation district, including not more than twelve positions	$383,692
0332-8300	Berkshire juvenile probation district, including not more than seven positions	$221,540
0332-8500	Northern Worcester juvenile probation district, including not more than eleven positions	$355,580
0332-8600	Southern Worcester juvenile probation district, including not more than ten positions	$311,216

Probate and Family Court.

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 two hundred forty-two thousand dollars and twelve positions shall be made available to the administrative office; provided further, that not less than six hundred twenty-four thousand two hundred ninety dollars and twenty-four positions be made available to the Barnstable probate court; provided further that not less than three hundred seventy-nine thousand four hundred ninety-eight dollars and fifteen positions be made available to the Berkshire probate court; provided further, that not less than one million two hundred six thousand eight hundred fourteen dollars and forty-six positions be made available to the Bristol probate court; provided further, that not less than eighty-one thousand three hundred twenty-one dollars and three positions be made available to the Dukes probate court; provided further, that not less than one million four hundred seventy-seven thousand nine hundred thirty-two dollars and fifty-six positions be made available to the Essex probate court; provided further, that not less than three hundred eleven thousand seven hundred thirty dollars and eleven positions be made available to the Franklin probate court; provided further, that not less than one million five hundred seventy thousand two hundred thirty-nine dollars and fifty-nine positions be made available to the Hampden probate court; provided further, that not less than four hundred forty-seven thousand five hundred ninety dollars and nineteen positions be made available to the Hampshire probate court; provided further, that not less than two million nine hundred eighty-five thousand eighteen dollars and one hundred fifteen positions be made available to the Middlesex probate court; provided further, that not less than one hundred forty-nine thousand eighty-eight dollars and six positions be made available to the Middlesex family service clinic; provided further, that not less than fifty-four thousand two hundred fourteen dollars and two positions be made available to the Nantucket probate court; provided further, that not less than one million eight hundred ninety-six thousand twenty-four dollars and seventy-three positions be made available to the Norfolk probate court; provided further, that not less than eighty-one thousand three hundred twenty-one

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dollars and five positions be made available to the Norfolk family service clinic; provided further, that not less than one million three hundred fifty-nine thousand five hundred forty-three dollars and fifty-three positions be made available to the Plymouth probate court; provided further, that not less than two million three hundred four thousand six hundred fifty-one dollars and ninety-five positions be made available to the Suffolk probate court; provided further, that not less than one million four hundred twenty-two thousand five hundred thirty-two dollars and fifty-five positions be made available to the Worcester probate court, including not more than six hundred forty-five positions $17,800,000

Land Court.

0334-0001 For the salaries and expenses of the office of the land court, including *not more* than seventy-eight positions $2,317,937

Boston Municipal Court.

0335-0001 For salaries and expenses of the Boston municipal court, including not more than one hundred and eighty-five positions $5,370,655

0336-0002 For the salaries and expenses of the housing court; provided that, of the amount appropriated herein, not less than one hundred twenty thousand dollars and three positions be made available to the administrative office; provided further that not less than eighty-one thousand two hundred sixty-seven dollars and twenty-eight positions be made available to the Boston housing court; provided further that three hundred thirty thousand one hundred nine dollars and thirteen positions be made available to the Hampden housing court; provided further, that not less than three hundred ninety thousand dollars and eleven positions be made available to the Worcester housing court; provided further, *that one* hundred sixty-five thousand fifty-four dollars and eleven positions be made available to the Northeast housing court; provided further, that eighty-two thousand five hundred twenty-seven dollars and eleven positions be made available to the Southeast housing court, including not more than seventy-seven positions $2,084,898

Juvenile Court.

For Salaries and Expenses.

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0337-0002 For the salaries and expenses of the juvenile court department; provided, that of the amount appropriated herein not less than five hundred sixty-seven thousand two hundred and eighty dollars and seventeen positions shall be made available to the administrative office; provided further, that not less than two million nine hundred forty-three thousand six hundred and fourteen dollars and one hundred and three positions shall be made available to the Boston juvenile court; provided further, that not less than one million three hundred thousand eight hundred andtwenty-six dollars and forty-eight positions shall be made available to the Bristol juvenile court; provided further, that not less than eight hundred eighty-three thousand eight hundred and twenty-six dollars and thirty-two positions shall be made available to the Springfield juvenile court; and provided further, that not less than eight hundred forty-nine thousand three hundred ninety-nine dollars and twenty-eight positions shall be made available to the Worcester juvenile court, including not more than two hundred and thirty positions $7,618,445

Committee on Probation.

0339-1001 For the office of the commissioner of probation, including not more than one hundred and thirty-two positions $4,554,712

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 $1,236,133

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 and 0340-2050 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 $7,793,060

0340-0140 For overtime of state police officers assigned to the Suffolk District Attorney's office, to be in addition to any other funds available for this purpose $101,774

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0340-0200	Northern, including not more than one hundred and sixty-six positions	$5,739,524
0340-0240	For overtime of state police officers assigned to the Northern District Attorney's office, to be in addition to any other funds available for this purpose	$241,336
0340-0300	Eastern, including not more than ninety-two positions	$3,432,975
0340-0340	For overtime of state police officers assigned to the Eastern District Attorney's office, to be in addition to any other funds available for this purpose	$297,118
0340-0400	Middle, including not more than ninety-two positions	$3,838,238
0340-0450	For overtime of state police officers assigned to the Middle District Attorney's office, to be in addition to any other funds available for this purpose	$298,466
0340-0500	Hampden, including not more than seventy positions	$2,599,459
0340-0560	For overtime for state police officers assigned to the Hampden District Attorney's office, to be in addition to any other funds available for this purpose	$93,566
0340-0600	Northwestern, including not more than thirty-eight positions	$1,561,818
0340-0670	For overtime of state police officers assigned to the Northwestern District Attorney's office, to be in addition to any other funds available for this purpose	$115,338
0340-0700	Norfolk, including not more than seventy-eight positions	$3,406,423
0340-0780	For overtime of state police officers assigned to the Norfolk District Attorney's office, to be in addition to any other funds available for this purpose	$219,286
0340-0800	Plymouth, including not more than seventy-one positions	$2,523,814
0340-0890	For overtime of state police officers assigned to the Plymouth District Attorney's office, to be in addition to any other funds available for this purpose	$217,500
0340-0900	Bristol, including not more than sixty positions	$2,631,140
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	$117,975
0340-1000	Cape and Islands, including not more than twenty-four positions	$1,116,091
0340-1040	For overtime of state police officers assigned to the Cape and Islands District Attorney's office, to be in addition to any other funds available for this purpose	$180,305
0340-1100	Berkshire, including not more than twenty-two positions	$947,169
0340-1140	For overtime of state police officers assigned to the Berkshire District Attorney's office, to be in addition to any other funds available for this purpose	$81,250
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 victim/witness board, as defined in chapter two hundred and fifty-eight B of the General Laws, 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	$4,000,000
	Victim and Witness Assistance Fund 100.0%	

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0340-2050 For	a program of discretionary grants to various district attorneys' offices; provided, that the victim and witness assistance board, as defined in chapter two hundred and fifty-eight B of the General Laws, may allocate funds from this item to the various district attorneys' offices to be expended by these district attorneys on multi-disciplinary teams responsible for child sexual abuse litigation	$1,500,000
	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; provided further, that the house and senate committees on ways and means shall be notified in writing of all transfers made from this line-item; provided further, that a report detailing all past expenditures from this fund, the automation status of each district attorney's office, and a proposed plan for any further automation improvements, shall be forwarded to the house and senate committees on ways and means on or before October first, nineteen hundred and eighty-eight; and provided further, that expenses may be charged directly to this item, including not more than two positions	$1,142,500

EXECUTIVE.

Governor.

0411-1000 For	the salaries of the governor and officers and employees in the governor's office	$1,836,886
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	$617,523
0411-1140 For	personnel and adininistrative expenses for the Office of Constituent Services, Community Services and Women's Issues	$258,500
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	

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	Governor's Office of AIDS Policy	$1,315,636
0411-1160 For	the expenses of the special advisory panel established pursuant to section four of chapter one of the acts of nineteen hundred and eighty-eight	$100,000
0411-9000 For	the office of federal relations	$816,828

Lieutenant Governor.

0412-1000 For	the salary of the lieutenant governor and for personal services for the lieutenant governor's office	$627,277

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	$362,090

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 provision of chapter thirty-one of the General Laws	$6,000,000
0511-0200 For	the administration of the Archives Division	$554,410
0511-0230 For	the expenses of the Record Center	$184,737
0511-0250 For	the maintenance and operation of the Archives Facilities	$681,171
0511-0260 For	the administration of the Commonwealth Museum	$281,426
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; *provided* that not more than fifteen thousand dollars shall be used to print and distribute a booklet which contains a compilation of *all general* and special laws relative to veterans and veterans' organizations, said booklet shall be made available free of charge to all veterans and veterans' organizations	$355,382
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	$3,002,699
0524-0000 For	expenses of compiling and publishing information to voters	$638,900

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	Massachusetts Historical Commission.	
0526-0100 For	the administration of the commission	$735,227
	Ballot Law Commission.	
0527-0100 For	the compensation and expenses of the commissioners	$21,000
	Records Conservation Board.	
0528-0100 For	the expenses of the board	$21,839
	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	$9,957,111
0610-6603 For	the purchase of additional shares of the Massachusetts Community Development Finance Corporation, as authorized by section four A of chapter forty F of the General Laws as amended	$2,500,000
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	$1,289,186
	Victim and Witness Assistance Fund 100.0%	
0611-5500 For	additional assistance to cities and towns, to be distributed according to the provisions of	

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section three of this act, and for assistance to 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 $845,499,985

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 $1,502,500

Local Aid Fund 100.0%

State Board of Retirement.

0612-0100 For the administration of the board; provided, that the position of executive secretary of retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws $2,879,601

0612-1010 For the commonwealth's pension liability fund established under section twenty-two of chapter thirty-two of the General Laws, to meet the commonwealth's obligations under section twenty-two C of said chapter thirty-two, including all retirement benefits payable by the state employees' and state teachers' retirement systems, reimbursement of local retirement systems for cost-of-living adjustments pursuant to section one hundred and two of said chapter thirty-two, provided that such cost-of-living adjustments to former teachers, municipal employees, county and district employees whose retirement expenses are assessed upon cities and towns, and state employees shall not exceed four per cent; and for the costs of increased survivor benefits pursuant to chapter three hundred and eighty-nine of the acts of nineteen hundred and eighty-four; provided, further, that subject to rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county or district shall verify the cost thereof and the treasurer shall be authorized to make such payments upon a transfer of funds from the commissioner of administration as hereinafter described; to reimburse certain cities and towns for pensions to retired teachers; and including any other obligations the commonwealth has assumed on behalf of any retirement system other than the state employees' and teachers' retirement systems, except such obligations as are payable from the annuity reserve fund or annuity savings fund of the state employee's or teachers' retirement systems; and including the commonwealth's share of the amounts to be

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	appropriated pursuant to section twenty-two B of said chapter thirty-two and the amounts to be appropriated pursuant to clause (a) of the last paragraph of section twenty-one of chapter one hundred and thirty-eight; provided that amounts may be transferred from this item only pursuant to a schedule of transfers filed in advance by the commissioner of administration with the house and senate committees on ways and means, and such schedule shall provide for payments to be made from this item as they are due for the purposes hereinbefore provided; provided, further, that all amounts required for the payments hereinbefore described shall be paid by transfer from this item or by use of the amounts recovered by the commonwealth under section six B of chapter twenty-nine of the General Laws or under section five D of chapter forty of the General Laws, and the governor shall request a supplemental appropriation necessary to provide any amount required to make such payments which is in excess of the sum of the amount herein provided and the amounts so recovered, and the amount of any such excess shall not be paid from the commonwealth's pension liability fund until such supplemental appropriation shall have been made; provided, further, that the commissioner of administration shall report to the house and senate committees on ways and means on a quarterly basis the amounts expended hereunder, including amounts so recovered and expended, and shall certify on or before March first, nineteen hundred and eighty-nine whether, as of said date, the amounts herein appropriated, including any amounts so recovered, are sufficient to make all payments provided for herein		$606,000,000
	Local Aid Fund	59.0%	
	General Fund	33.9%	
	Highway Fund	7.0%	
	Inland Fisheries and Game Fund	0.1%	
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		$140,000
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%	

Pension for Retired Justices.

Item			
0612-3000 For	pensions of retired judges or their widows		$4,000,000
0612-5000 For	retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission		$58,000
	Highway Fund	75.0%	
	General Fund	25.0%	
0612-6000 For	retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission		$1,100,000
	Highway Fund	60.0%	
	General Fund	40.0%	
0612-7000 For	retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district		$250,000
0612-8000 For	retirement allowances 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		$160,000
	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	$70,026

Retirement Law Commission.

0635-0000 For	the administration of the commission	$131,123
0635-0001 For	the cost of the retirement law commission's research projects	$300,000

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	

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	the General Fund quarterly; 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 his service in such unclassified supervisory position, be restored upon his request to the classified position from which he was promoted or to a position equivalent thereto in salary grade in the same state agency, without impairment of his civil service status or his tenure by reason of said section nine A or loss of seniority, retirement and other rights to which uninterrupted service in the classified position would have entitled him; and provided further, however, that if his service in such unclassified supervisory position is terminated for cause, his right to be so restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering said chapter thirty-one	$61,280,041
	Collective Bargaining.	
0640-0096 For	the purpose of the commonwealth's fiscal year nineteen hundred and eighty-nine contributions 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	$163,000
0640-0100 For	the expenses of the operation and administration of the arts lottery	$3,087,232
	Arts Lottery Council.	
0640-0300 For	the expenses of the operation of the arts lottery council	$449,813
	Debt Service.	
0699-1800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund	$5,293,708
	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	$23,913

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	Local Aid Fund 100.0%	
0699-1900 For	certain serial bonds maturing previously charged to the State Recreation Areas Fund	$3,823,289
	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	$6,900
	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	$4,901,499
0699-3801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund	$43,495
0699-3900 For	certain serial bonds maturing previously charged to the Metropolitan Water District Fund	$5,952,999
0699-4800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund	$3,786,739
0699-4801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund	$43,965
0699-4900 For	certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund	$5,112,159
0699-5800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund	$6,244,270
	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	$185,714
	Local Aid Fund 100.0%	
0699-5900 For	certain serial bonds maturing previously charged to the Metropolitan Parks District Fund	$6,328,437
	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	$74,001,714
	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 this fiscal year shall be charged to the Highway Fund debt service reserve	$602,540
	Highway Fund 100.0%	

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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	$70,196,611
	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	$204,192,763
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 this fiscal year shall be charged to the General Fund debt service reserve	$2,807,962
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	$202,164,850
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 this fiscal year shall be charged to the Local Aid Fund	$2,435,170
	Local Aid Fund 100.0%	
0699-8401 For	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 Local Aid Fund	$7,090
	Local Aid Fund 100.0%	
0699-8402 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 Local Aid Fund	$1,193,277
	Local Aid Fund 100.0%	
0699-9100 For	the payment of interest on issuance costs of notes pursuant to section forty-nine B of chapter twenty-nine of the General Laws; provided, that the comptroller shall charge the various funds of the commonwealth in conformance with legislation authorizing the sale of said notes or bonds so as to reflect actual expenditures from this appropriation	$3,500,000
0699-9200 For	certain debt service contract assistance to the Massachusetts Land Bank in accordance with the provisions of section eight B of chapter one hundred and thirty of the acts of nineteen hundred and eighty-seven	$6,000,000

AUDITOR OF THE COMMONWEALTH.

0710-0000 For	the office of the auditor	$11,457,399
0710-0100 For	the administration and expenses of the bureau of local mandates	$889,853

DEPARTMENT OF THE ATTORNEY GENERAL.

0810-0000 For	the office of the attorney general	$15,927,000

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	General Fund 98.0%	
	Victim and Witness Assistance Fund 2.0%	
0810-0014 For	the expenses incurred by the department pursuant to section eleven E of chapter twelve of the General Laws	$500,000
0810-0015 For	administration and expenses of a division to pursue litigation related to nuclear generating facilities	$389,627
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	$1,571,903
0810-0031 For	the expenses of administering the local consumer aid fund, established by section eleven G of chapter twelve of the General Laws	$732,595
0810-0035 For	the administration and expenses of the Anti-Trust division	422,973
	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	$20,435
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-nine	$738,505
	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 seventy four of this act; provided, that said grants shall be distributed pursuant to allocation schedules subject to the approval of the house and senate committees on ways and means	$1,500,000
	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	$1,030,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

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Office of the Commissioner.

1100-1100 For the office of the commissioner and the administration of tort claims; provided, that forecasts generated by the state economic model and the Governor's revenue advisory board be filed quarterly with the house and senate committees on ways and means; provided further, that said office shall conduct a study of the cost impacts of universal health care pursuant to chapter twenty-three of the General Laws; provided that the commissioner shall establish and submit to the general court guidelines to reduce overtime costs by twenty-five per cent from the fiscal year nineteen hundred and eighty-eight levels, including not more than twenty-seven positions $1,239,445

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, provided that charges for the cost of computer resources and services provided by the bureau of computer services for the design, development and production of reports and information required to be included in budgets submitted by the governor to the legislature, shall not be charged to this item; including not more than fifty-five positions $2,659,285

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 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

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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-nine, 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 system is hereby authorized and directed to continue a chargeback system for its bureau of computer services which complies with the requirements of section twenty-eight, including not more than three hundred and sixty-six positions $15,266,179

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, the State House West Building in Springfield to be utilized as a day care center for 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; and provided further, that the division of capital planning and operations shall, annually, by March fifteenth, deliver a listing of all surplus state property and facilities to each state representative and senator $10,320,387

1102-3290 For the administration and operation of the state house arts commission; provided, 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 therefor from funds appropriated in this item $150,216

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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 $19,095,058

Office of Telecommunications.

1102-4050 For the administration and operation of an office of telecommunications, including not more than seventeen positions $541,062

Motor Vehicle Management Bureau.

1102-5201 For the expenses and administration of a motor vehicles management bureau; provided that, said bureau shall conduct an inventory of all motor vehicles that are deemed the property of the commonwealth; provided that, all agencies and departments, including the judicial branch, constitutional offices, and all educational institutions under the board of regents are hereby directed to provide information or data on such forms as the bureau shall prescribe; provided further, that said bureau may call upon any state department, agency, constitutional office, judicial branch, or educational institution, including an on-site visit to verify any inventory information and no participants in said inventory shall refuse entry or fail to cooperate in such verification; provided further, a complete report detailing the composite, condition, and value for each motor vehicle deemed the property of the commonwealth shall be filed on or before December first, nineteen hundred and eighty-eight with the house and senate committees on ways and means, including not more than fifteen positions $459,330

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 $3,170,278

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 com-

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	prehensive, statewide single audit of state operations for the fiscal year ended June thirtieth, nineteen hundred and eighty-eight, 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	$4,772,140
	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	$4,180,934
	Purchasing Agent's Division.	
1104-1000 For	the administration of the division, including not more than ninety-six positions	$2,745,176
1104-1010 For	an office of purchased services; provided that of the sum obligated herein, not less than seventy-five thousand dollars be obligated for an institute for community-based services, including not more than four positions	$450,394
	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 recommendation 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, including not more than fifteen positions	$722,675
	Office of Human Resource Administration.	
1108-0100 For	the administration of the office in accordance with the provisions of section thirty-five of this act, including not more than six positions	$251,282
	Department of Personnel Administration.	

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1108-1000 For	the administration of the department, including the county personnel board; provided further, that not less than forty thousand dollars shall be obligated for the Commonwealth's Childrens Center; provided further, that no funds are obligated for the purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order 227 adopted on February twenty-fifth, nineteen hundred and eighty-three, as amended; provided further, that the department administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the department shall establish and promulgate rules and regulations for an exit interview program to be conducted on a pilot program basis for employees of three state agencies, including not more than ninety-two positions	$2,331,647
1108-1001 For	the administration of the statewide classification system and a municipal classification system, including, but not limited to, maintaining a classification and pay plan for civil service titles within the commonwealth, in accordance with generally accepted compensation standards, and reviewing appeals for reclassification, including not more than thirty-five positions	$1,009,685
1108-1002 For	the administration of the civil service system by the department of personnel administration, including, but not limited to, administration of civil service examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, and technical assistance in selection and appointment to state and municipal appointing authorities; provided however, that notwithstanding any general or special law to the contrary, the department 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; including not more than one hundred and sixteen positions	$3,448,530
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	$800,000
1108-1011 For	the administration of the civil service commission, including not more than eleven positions	$294,193
1108-2500 For	the office of affirmative action, including not more than fourteen positions	$465,650
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	

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	compensation and all supplemental fringe benefits resulting in any incremental costs, including not more than twenty positions	$879,264
1108-3200 For	the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and eighty-nine 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	$16,550,000
1108-3205 For	the cost of employee performance evaluation payments for fiscal year nineteen hundred and eighty-eight authorized by certain collective bargaining agreements and for the cost of employee performance evaluation payments for fiscal year nineteen hundred and eighty-eight to employees in "confidential" positions which would otherwise be covered by said collective bargaining agreements, as certified by the director of the office of employee relations and approved by the secretary of administration and finance	$9,775,000
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)	$100,000
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)	$30,000
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)	$5,000
	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 purpose of a member information services program for the retired and active members of the state teachers' retirement system, including not more than fifty positions	$1,500,000
1108-4011 For	the development and delivery of pre-retirement planning programs for the active members of the teachers' retirement system	$25,500
1108-4100 For	the payment of retirement assessments of teachers formerly in military or naval service	$1,000
1108-5100 For	administration of the group insurance program, including not more than eighty-one positions	$2,176,975
1108-5101 For	the purposes of reimbursing the costs of dental and vision expenses for certain state employees and state retirees pursuant to section seventeen of chapter thirty-two A of the General Laws,	

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provided that no reimbursement shall occur until the house and senate committees on ways and means approve a reimbursement plan recommended by the group insurance commission

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 the budget bureau 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; provided further, that the commission shall report quarterly with the house and senate committees on ways and means the expenditures from this item, said report shall detail separately the amount expended and type of health coverage for retiree members and active state employee members; provided further, that the commission is hereby directed to conduct or commission an actuarial valuation of the commonwealth's obligations for post-retirement health and insurance benefits, including without limitation the cost of premiums for such benefits, on behalf of current and retired employees of the commonwealth and their dependents and beneficiaries, provided such valuation shall include, without limitation, the following: the actuarial, economic, and demographic methods and assumptions employed therein, provided that the report of such valuation shall explain the reasons for any deviation in such methods and assumptions from generally accepted accounting standards, and the effect of any such deviation; the current and future normal cost of the commonwealth of such benefits, which shall be equivalent to that portion of the actuarial present value of such benefits allocable to a particular fiscal year, and which shall be expressed both as a percentage of state payroll and in dollar amounts; the actuarial accrued liability of the commonwealth for such benefits; the

$1,250,000

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	unfunded actuarial accrued liability of the commonwealth for such benefits; and a projection of the commonwealth's annual obligation for such benefits, expressed both as a percentage of state payroll and in dollar amounts, for the period beginning on July first, nineteen hundred and eighty-eight and ending on June thirtieth, two thousand and twenty-seven; provided further that the commission shall make a report of said valuation by filing the same with the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-nine; 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		$301,278,597
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		$6,603,635
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, pursuant to chapter six hundred and ninety-seven of the acts of nineteen hundred and eighty-seven, including not more than seventy-one positions		$3,635,039
1108-6200 For	the purposes of workers' compensation paid to public employees, including previous fiscal years		$28,767,650
	Highway Fund	35.0%	
	General Fund	65.0%	

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	$493,105

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	

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	government research library collection, including not more than thirty positions		$1,093,225
	Council on the Arts and Humanities.		
1121-0100 For	the administration of the council, including not more than twenty-five positions		$1,100,000
	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 six 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 two hundred and fifty thousand dollars shall be expended on grants in connection with "Making Music Together", a cultural exchange program, with the Soviet Union; provided further, that not less than seventy thousand dollars shall be available to the Somerville Historic Museum; provided further, that not less than fifty thousand dollars shall be available to the Riverside Theatre Works; and provided further, that not less than one hundred thousand dollars shall be obligated for a grant program of "scholars in residence"		$19,000,000
	General Fund	75.9%	
	Local Aid Fund	24.1%	
	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		$1,578,062
	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		

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	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; provided further, that the department may allocate an amount not to exceed two hundred fifty thousand dollars to the department of the attorney general for the purpose of the tax prosecution unit, including not more than two thousand four hundred and ninety-three positions		$103,541,468
	Highway Fund	10.0%	
	General Fund	90.0%	
1201-0160 For	the administration of the child support enforcement unit, that the department may enter into contracts with private collection agencies for the purpose of obtaining collections from absent parents; provided further, that these funds may be used for special child support enforcement projects; provided further, that the department may allocate these funds to the division of state police, the district courts, the probate and family court department, the district attorneys, and other state agencies for the performance of certain child support enforcement activities, and that these agencies are hereby authorized to expend such amounts for the purposes of this item, including not more than six hundred and ninety-three positions, and provided further, that not less than forty-six positions shall be available to the district attorneys' offices		$23,361,346
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		$4,185,000
	Highway Fund	10.0%	
	General Fund	90.0%	
	Local Services.		
1231-0100 For	the administration of the bureaus of municipal data management and technical assistance, property tax, local assessment and accounts, including the expense of auditing municipal accounts where the circumstances require state assistance to accomplish a specific purpose in the protection of the public interest, for the operation of technical assistance and educational programs for financial officials of the cities and towns, for the monitoring of municipal audits performed by independent public accountants, for the supervision of the installation of		

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	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 review; 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		$6,817,704
	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 evaluation study		$44,200
	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		$1,083,307
	Low-Level Radioactive Waste Management Board.		

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1400-0000 For	the low-level radioactive waste management board	$325,000

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 section one hundred andforty-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 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 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	$180,000
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	$21,950,280
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-eight and ending June thirtieth, nineteen hundred and eighty-nine; provided further said amount which is so charged shall be based upon the actual unemployment benefits which were paid to former employees funded through said appropriation accounts during the eighteen month period prior to July first, nineteen hundred and eighty-eight.	
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	

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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-nine, shall be returned to the commonwealth $4,625,000

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 $500,000

1599-3407 For the purpose of municipal reimbursements to be paid according to the provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three; provided, that the commissioner of administration shall convene a working committee made up of his own designee, a designee of the secretary of labor, a designee of the commissioner of the department of environmental quality engineering and an appropriate designee of cities and towns, to define fully the role of the municipal coordinator in implementing the provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three, and to establish guidelines for purposes of reimbursing cities and towns for reasonable costs

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	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		$500,000
	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		$5,018,716
	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		$1,900,000
1599-3620 For	a reserve to meet the fiscal year nineteen hundred and eighty-nine 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, 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-nine where the amounts otherwise available are insufficient for the purpose, such amounts as are necessary to meet the cost of said adjustment 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		

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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 $18,823,000

1599-3657 For past due payments in lieu of taxes by the metropolitan district commission pursuant to sections five D through five F, inclusive, of chapter fifty-nine of the General Laws $127,878

Local Aid Fund 100.0%

1599-3658 For a reserve to replace county taxes previously assessed upon municipalities for the operation of county jails, to be distributed in accordance with schedules prepared by the deputy commissioner of revenue for local services and approved by the house and senate committees on ways and means; provided, that on or before September thirtieth a sum of not more than one hundred and fifty thousand dollars shall be allocated to fund the incremental cost of items of a collective bargaining agreement between local 248 of the I.B.C.O. AFL-CIO and the Hampden county commissioner for the period July first, nineteen hundred and eighty-seven to July first, nineteen hundred and eighty-eight $80,500,023

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 alteration in programmatic undertakings from those programs listed in the line items below. If, within thirty days of notification of said alteration 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 for land use planning and development; provided, that not less than fifty thousand dollars shall be expended for the expenses of the Blackstone Valley

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	National Heritage Corridor Commission (P.L. 99-647) in addition to any other funds expended for the Blackstone River and Canal Heritage State Park; provided further, that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any other of those state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies; and provided further, that the secretary of environmental affairs shall undertake a study to determine the efficacy of mechanical and biologically based mosquito control techniques, including not more than eighty-five positions		$2,995,039
	General Fund	87.5%	
	Local Aid Fund	12.5%	
2000-0150	For the expenses of the Martha's Vineyard Commission		$140,000
2000-0200	For the administration of the office of research, testing and standards, including not more than four positions		$375,000
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		$400,000
2000-0400	For a program of environmental education, marine science, and recreation, for the public, utilizing the vessel "Pride of Lynn" for compensation of services and costs in connection with said program		$70,000
2000-0500	Grant to the town of Chatham for the development of a comprehensive management plan for the Chatham Harbor		$90,000
	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		$229,140
2050-0200	For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary the awarding of all said grants shall meet with the prior approval of the secretary of the executive office of environmental affairs; provided further, that not less than one hundred and eighty-five thousand dollars may be expended for implementation of a geographic information system for environmental data in Massachusetts		$414,985

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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Notwithstanding any general or special law to the contrary, the department of environmental management, upon approval of the secretary of environmental affairs, shall provide the secretary of administration and finance and the house and senate committees on ways and means notification of any alterations in programmatic undertakings from those programs listed in the line items below. If, within thirty days of notification of said alterations in programmatic undertakings, no action has been taken by either the secretary of administration and finance, or the house or senate committees on ways and means, said alterations shall take effect.

2100-0000 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 and for a program to provide for the safe disposal of household hazardous waste; provided, that not less than six hundred thousand dollars shall be allocated to the office of safe waste management; 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 the scenic rivers program; provided, that not less than fifty-nine thousand dollars shall be obligated for the operation and expenses of the North River Commission; 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, skating rinks and swimming pools; for the expense of programs in forest management and development, including forestry assistance projects, the office of the state fire warden, and suppression of insect pests and shade tree diseases; for the bureau of urban services for administration of the urban heritage parks program, including grants or service contracts; provided, that the position of the deputy commissioner of environmental management and any positions within the bureau of recreation assigned to skating rinks and swimming pools, including the positions of supervisor of rinks and pools and the district supervisor of rinks and pools, shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that 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-eight, a plan for the distribution of the funds appropriated herein among the major programs as set forth above,

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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; and provided further, that two hundred and ten thousand dollars of the amount appropriated herein shall be subject to the provisions of section one hundred, including not more than seven hundred and forty-one positions $29,391,649

Local Aid Fund 44.0%

General Fund 56.0%

2100-0104 For the restoration of an historic bridge in Wayland $30,000

2100-0105 For a grant to the town of Randolph for a park on a stream near a senior citizens project $200,000

2120-1505 For a grant to the city of Salem for municipal police patrols at Salem Willows $35,000

Local Aid Fund 100.0%

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.

2200-0000 For the expenses of a low level radioactive waste management program, as authorized by sections eleven through fourteen inclusive of chapter one hundred and eleven H of the General Laws $51,765

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 waste, 4) the division of hazardous waste, 5) the division of wetlands and waterways, 6) the division of air quality control, 7) the Lawrence Experimental station; 8) a contract with the University of Massachusetts for environmental research, 9) the Right-to-Know program, and 10) 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; provided further, that not less than five hundred thousand dollars shall be expended for the testing of public drinking water supply

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	sources for the presence of toxic substances, including the development and publication of those substances to be tested, a report of test results, and related educational and training services, pursuant to chapter six hundred and eighteen of the acts of nineteen hundred and eighty-seven; provided further, that not less than one hundred thousand dollars be obligated for the establishment of a western district office in the city of Pittsfield; and provided further, 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-eight, a plan for the distribution of the funds appropriated herein among the major programs as set forth above, such plan to include a narrative statement for each program, the number of personnel to be assigned to each program and a subsidiary account analysis for each program,including not more than six hundred and sixty-seven positions	$27,873,473
2200-0101 For	the division of wetlands and waterways; provided, that said funds shall be expended solely for the elimination of backlogs within the wetlands and waterways programs	$407,000
2240-0600 For	reimbursement to the metropolitan district commission and any city or town or other political subdivision for the commonwealth's share of the water pollution abatement projects	$701,186
	Local Aid Fund 100.0%	
2260-0220 For	the administration of programs which shall be conducted as soon as possible to test the health of residents potentially effected by the PCB hazardous waste problems in Norwood	$3,000

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	$370,637
2300-0150 For	the expenses of a statewide program in riverway protection; provided, that said program shall assist local and regional watershed and planning organizations 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, including not more than one position	$74,618

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.

Item			
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		$973,911
	Inland Fisheries and Game Fund	100.0%	
2310-0250 For	a program of investigating fishkills and prosecuting violations of the laws of the commonwealth when such violations cause fishkills, to be undertaken by the division of fisheries and wildlife		$57,500
	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		$75,013
	Inland Fisheries and Game Fund	100.0%	
2310-0310 For	the acquisition of upland areas, wetland areas and in holdings		$200,000
	Inland Fisheries and Game Fund	100.0%	
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 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		$3,676,851
	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		$195,000
	Inland Fisheries and Game Fund	50.0%	
	Non-Game Wildlife Fund	50.0%	
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		$255,920
2315-0100 For	the administration of a program of non-game management and research, including not more than five positions		$339,606
	Non-Game Wildlife Fund	100.0%	

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Public Access Board.

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 $136,435

Division of Marine Fisheries.

2330-0100 For the administration of the division, including expenses of the Cat Cove marine research station, fisheries programs, and commercial fisheries, for a shellfish management program including coastal 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, including not more than eighty-five positions $2,745,000

2330-0310 For a Marine Recreational Fish Survey, including not more than four positions $300,000

2330-0600 For a program of self-help to cities and towns for the cultivation, propagation and protection of shellfish; provided, that towns receiving funds under this program shall develop a shellfish management plan approved by the director of the division of marine fisheries and shall provide that division with an accurate accounting of the use of these monies; provided further, that the treasurer of each participating city or town shall annually certify to the director the amounts appropriated by said city or town for the cultivation, propagation and protection of shellfish; provided further, that the director may expend such sums as may be appropriated; provided further, that such sums as are expended shall not exceed two-thirds of the city or town's annual expenditure for the cultivation, propagation and protection of shellfish in the preceding year; provided further, that family use areas and recreational shellfish areas that are set aside and cultivated, propagated or protected under the funding or provision of this item shall be open to all inhabitants of the commonwealth upon payment of a reasonable fee $300,000

Division of Environmental Law Enforcement.

2350-0100 For the administration of the division of environmental law enforcement; provided, that each county in the commonwealth shall be assigned at least one full time environmental officer, including not more than one hundred and sixty-eight positions $5,384,365

Inland Fisheries and Game Fund	10.0%
General Fund	90.0%

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2350-0101 For the hunter safety training program, including not more than four positions $200,526

Inland Fisheries and Game Fund 100.0%

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.

Notwithstanding the provision 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.

2410-1000 For general administration, including not more than forty-one positions $1,725,000

General Fund 50.0%
Highway Fund 25.0%
Local Aid Fund 25.0%

2410-9061 For the Massachusetts summer youth program, to be allocated, with the approval of the commissioner of the department of the metropolitan district commission and the commissioner of the department of public works, to those agencies selected as participants in the program; provided, that not less than forty per cent 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 $500,000

Division of Watershed Management.

2420-1400 For the operation and maintenance of the watershed management division; provided, that not more than twenty-two positions are watershed management police positions, including not more than one hundred and ninety-nine positions $5,730,468

Metropolitan Parks District.

Item			
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 operation and maintenance of the southwest corridor park system; 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; 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 seventy-one positions		$30,310,268
	Local Aid Fund	31.8%	
	Highway Fund	68.2%	
2440-0015	For the administration of the metropolitan district commission police division; for administration of the metropolitan district commission police southwest corridor park system and Franklin Zoological Park; 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 thirty positions		$25,721,752
	Local Aid Fund	36.0%	
	Highway Fund	64.0%	
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 Devir Park, Amerige Park, and Coytemore Lea Park		$100,000
	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		$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		$68,000
	Local Aid Fund	100.0%	

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2440-0022 For	the purpose of increased police patrols at Revere Beach boulevard, provided, that not less than sixty-five thousand dollars be expended for the mounted police patrol of said area	$65,000
	Local Aid Fund 100.0%	
2440-0024 For	the purpose of increased police patrols at the Chestnut Hill Reservoir Reservation	$21,250
	Local Aid Fund 100.0%	
2440-0027 For	the purpose of increased police patrols on Wollaston Beach and Quincy Shore Drive	$25,500
	Local Aid Fund 100.0%	
2440-0028 For	the purpose of increased patrols on Winthrop Beach and Winthrop Shore Drive	$29,750
	Local Aid Fund 100.0%	
2440-0033 For	the purpose of increased patrols at the Mary O'Malley waterfront park in Suffolk county	$29,750
	Local Aid Fund 100.0%	
2440-0037 For	the purpose of increased patrols along Gallivan Boulevard and Morrissey Boulevard in Dorchester	$21,250
	Local Aid Fund 100.0%	
2440-0039 For	the operation, maintenance and security patrols at the Quincy Quarries	$51,000
	Local Aid Fund 100.0%	
2440-0042 For	the maintenance, management, programming and security of the John Fitzgerald Memorial Park in Cambridge	$34,000
	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
2440-0300 For	the expenses of the New England Sports Museum	$120,000
2443-2000 For	the operation and administration of the Franklin Park and Walter D. Stone Memorial Zoos including not more than fifty-two positions; provided, that upon passage of legislation creating the Commonwealth Zoological Corporation, the full unexpended balance of this appropriation shall be made available to said corporation, for expenditure in accordance with the provisions of such legislation; provided further, that a detailed report of expenditures shall be filed quarterly with the house and senate committees on ways and means; provided further, that an amount may be expended for management contracts for the Franklin Park Zoo and the Stone Zoo; provided further, that the metropolitan district commission may directly or through said contracts require the charging and collection of admission fares at said zoological parks; provided, however, that said zoos shall be open for a reasonable period without admission charge; provided further, that persons sixty-five years of age and over and uniformed members of the armed forces of the United States shall pay half price for such admission charge at all times when said charge applies and that school children in groups from metropolitan district commission parks district communities shall be admitted without such admission charge on a scheduled basis	$2,100,000

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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
	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		$2,078,298
	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		$50,000
	Local Aid Fund	100.0%	

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		$4,400,000
	General Fund	33.0%	
	Highway Fund	67.0%	
2469-9007 For	the operation, improvements, and maintenance of the Blue Hills Ski Area in the town of Canton		$50,000

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	$586,528

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;	

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	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	$1,882,313
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	$360,000

Division of Agricultural Development.

2511-4000 For	the administration of the division, and for the expenses of the bureau of markets and the bureau of land use, including for promotion of Massachusetts agriculture; provided, that not more than seventy-five thousand dollars be obligated for the agriculture in the classroom program; provided further, that not less than seventy-five thousand dollars be expended for the farmer's market coupon program, including not more than twenty-one positions	$1,041,037

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	$705,386

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	$661,184

Division of Equine Activities.

2518-2500 For	the administration of the division, including not more than eight positions	$169,211
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	

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	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		$200,000

State Reclamation Board.

2520-0100	For the administration of the board, including not more than three positions		$99,892
	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:		
2520-0300	Cape Cod		$586,036
	Local Aid Fund	50.0%	
	Mosquito and Greenhead Fly Control Fund	50.0%	
2520-0900	Suffolk county		$142,756
	Local Aid Fund	50.0%	
	Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1000	Central Massachusetts		$757,033
	Local Aid Fund	50.0%	
	Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1100	Berkshire county		$182,487
	Local Aid Fund	50.0%	
	Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1200	Norfolk county		$382,778
	Local Aid Fund	50.0%	
	Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1300	Bristol county		$409,642
	Local Aid Fund	50.0%	
	Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1400	Plymouth county		$550,000
	Local Aid Fund	50.0%	
	Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1500	Essex county		$499,200
	Local Aid Fund	50.0%	

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Mosquito and Greenhead Fly Control Fund 50.0%

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 forty-six thousand two hundred dollars shall be obligated for the purposes of the Northern Tier economic development program, including not more than one hundred and thirty-two positions $4,600,000

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 $3,000,000

Local Aid Fund 100.0%

3000-0301 For the expenses of the council on gateway cities in accordance with the provisions of section one hundred and forty-four, including not more than five positions $174,388

3000-0302 For additional local aid to gateway cities in accordance with the provisions of section one hundred and forty-four A of this act; 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 $6,500,000

Local Aid Fund 100.0%

3000-0303 For grants to gateway cities to provide services needed on an emergency basis; provided, that the secretary shall make such grants available upon approval by the secretary of an expenditure plan submitted by each municipality and upon approval of a schedule submitted by the secretary to the house and senate committees on ways and means; 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 $500,000

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 program of grants to Neighborhood Housing Services Corporations, to fund a neighborhood

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	housing rehabilitation loan program, notwithstanding the provisions of chapter four hundred and ninety of the acts of nineteen hundred and eighty; provided, that the executive office of communities and development may authorize Neighborhood Housing Services Corporations to retain and reloan for purposes consistent with this item funds received in repayment of loans made pursuant to the neighborhood housing services program, including not more than one position	$834,968
3722-9002 For	certain financial assistance for housing projects for veterans	$4,031,444
3722-9007 For	a program of emergency rental assistance to be administered under an interagency agreement between the executive office of communities and development and the department of public welfare to provide not less than two thousand chapter 707 rental certificates, so-called, to families currently residing in hotels, motels and shelters who are receiving emergency assistance; provided further, that the executive office of communities and development shall leverage an equal number of chapter 707 and section 8 rental certificates, so-called, for use by homeless families and families at-risk of homelessness as the use of said certificates currently being utilized by eligible families is discontinued; provided further, that not less than six hundred and twenty-five thousand dollars of the amount appropriated herein be held in reserve for additional 707 certificates pending approval of a schedule of proposed expenditures submitted by the executive office of communities and development and the department of public welfare to the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-nine; provided further, that said schedule shall include a report of the number of homeless families in hotels, motels and shelters and the average length of stay, the number of certificates leveraged from each housing authority for families who are homeless or at risk of becoming homeless, the eligibility criteria for receipt of said leveraged rental certificates, the methods for identifying families at-risk of homelessness and for making referrals between said departments, and recommendations for improvement of the program	$7,250,000
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 not less than one million one hundred and eleven thousand dollars be obligated for the Boston housing authority; and provided further, that the secretary may enter into contracts directly with public housing tenant organizations for not less than one hundred and four thousand dollars; and provided further, that a full time research coordinator and a full time position of organizer shall be contracted to the Faneuil Housing Development, including not more than two positions	$2,786,270
3722-9022 For	the establishment of a reserve to fund the expenses of item 3722-9018, provided that no	

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expenditures shall be made from this item until such time as the plan required by section seventy-seven of this act has been filed and a schedule of proposed expenditures has been approved by the house committee on ways and means; provided, that not less than one million one hundred and eleven thousand dollars be obligated for the Boston housing authority; and provided further, that the secretary may enter into contracts directly with public housing tenant organizations for not less than one hundred and four thousand dollars; and provided further, that funds from this item may be transferred to other items of appropriation within the executive office of communities and development $2,786,270

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: twenty million thirty-nine thousand seven hundred and sixty-five dollars for veterans and relocated persons; eleven million ninety-eight thousand six hundred and ninety-six dollars for the elderly; one hundred and thirty-one thousand four hundred and twelve 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, eighty-three million nine hundred and forty-two thousand one hundred and two dollars shall be deposited in an individual allocation account for the purpose of said 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 the administration of said program; provided further, that the secretary of the executive office of communities and development shall submit quarterly reports to the house and senate committees on ways and means detailing expenditures, the number of certificates awarded and the number of new and existing units leased; 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

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allowable rent available under the rental assistance program. And, 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, to be 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, that of the funds appropriated herein, fifteen million five hundred dollars shall be deposited in an individual allocation account for the purpose of providing housing vouchers, so-called, currently being utilized by eligible households; provided further, that funding for said vouchers be made available for the purpose of providing chapter 707 certificates, so-called, as the use of said vouchers by said households is discontinued; provided further, that said chapter 707 rental certificates be administered through local non-profit agencies and local housing authorities as decided by the secretary of communities and development, notwithstanding the provisions to the contrary in section forty-three of chapter one hundred and twenty-one B of the General Laws; and provided further, that in the case of any rental assistance provided in conjunction with any federal housing program, tenants shall pay such portion of their income for rent as may be required by said federal program and such assistance shall be administered in accordance with applicable federal laws and regulations, and provided further, that not less than two thousand chapter 707 and section 8 housing certificates, so-called, shall be provided to families who are homeless or at risk of becoming homeless as the use of chapter 707 certificates currently being utilized by eligible households is discontinued, including not more than five positions $130,933,496

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 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 depart-

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	partment shall, to the maximum extent possible, give priority for funding to projects in economically distressed areas; 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 thirty million dollars	$14,373,719
3722-9062 For	a pilot program providing grants to housing authorities for continuation of security programs for public housing developments. 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 and for services to at risk youth, including youth workers; provided, that the secretary of the executive office of communities and development shall determine that said housing authorities have made the maximum effort to employ all available funds for security purposes before said grants are made; 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; provided further, that the secretary of communities and development shall award grants to communities which provide matching funds; 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-nine evaluating said security pilot grant program. Said report shall include, for each housing authority which has received said grant, a summary statement of efforts undertaken by the housing authority to enlist the services of the local police authorities, 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	$513,539
	Local Aid Fund 100.0%	
3722-9102 For	reimbursement of cities and towns for the commonwealth's share of certain non-federally aided urban renewal projects; provided, that notwithstanding the provisions of any general or special law to the contrary, an amount not exceeding three hundred thousand dollars may be reimbursed for surveys, plans, and administration	$771,400
	Local Aid Fund 100.0%	
3722-9108 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	

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	twenty-one B of the General Laws; provided, that notwithstanding the provisions of sections fifty-three or fifty-seven of said chapter one hundred and twenty-one B to the contrary, such funds may be provided to any agency of a city or town designated by the chief executive officer to act on behalf of the city or town	$800,000
3722-9109 For	the provision 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	$1,000,000
	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	$1,310,000
3743-2027 For	providing funds for local community economic development; provided, that contracts are to be awarded to community-based organizations; provided further, that not less than seventy-five thousand dollars be expended for the support of community and economic development activities carried out by the Blackstone Valley Regional Development Corporation; and provided further, that a portion of the amount appropriated herein may be expended for the provision of technical assistance to such organizations; provided that not less than fifty-five thousand dollars be expended for the support of community and economic development activities carried out by the Roslindale Village Main Street Corporation, including not more than four positions	$2,204,824
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 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	$200,000
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, including not more than one position	$2,258,440

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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 the 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 $250,000

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 in primarily residential neighborhoods; provided, that for the purposes of this item, the preservation of lodging houses or single room occupancy buildings, so-called, shall be given priority for funding; provided further, that said assistance shall be primarily targeted to economically depressed areas and be for the benefit of low and moderate income households and shall be through reimbursement of costs incurred by municipal agencies, community-based and tenant organizations or court appointed receivers as defined by the secretary of communities and development, including not more than one position $831,781

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 or 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 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 the 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

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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 $16,996,000

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 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 and all other funds designated for weatherization programs, including, but not limited to, the Stripper Well and Exxon fuel overcharge funds, so called, by November first, nineteen hundred and eighty-eight. 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 ensure 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 programs, including not more than two positions $389,018

3747-0001 For the administration of the commission on Indian affairs, including not more than three positions $66,047

3748-0001 For the purposes of the Massachusetts Housing Partnership Fund, to provide programs designed to produce housing for low and moderate income households, to broaden opportunities for homeownership and cooperative ownership for low and moderate income persons and families, and to aid in the reclamation of abandoned property for use as housing, and for housing rehabilitation programs in communities with population density in excess of nine thousand people per square mile provided that the municipality provides a fifty per cent match from local funds, and for the reasonable expenses incurred in the administration of the fund;

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	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; and provided further, that of the sum obligated herein, not less than two hundred thousand dollars be obligated for the provision of technical assistance to non-profit agencies in order to expedite the development of community housing for the mentally ill, including not more than eight positions	$12,937,096
	Massachusetts Housing Partnership Fund 100.0%	
3748-0010 For	the purpose of establishing a grant and loan program to 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 to meet the cost of implementing chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven	$350,000

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 instances of malfeasance which come to the attention of said secretary; provided further, that the executive office of human services shall provide technical and administrative assistance to agencies receiving federal funds when administrative costs included in said grant are received by said office; and provided further, that a detailed report including budget breakouts and job descriptions, as well as all block grant applications must be submitted not less than ninety days prior to the federal deadline for application to the house and senate committees on ways and means and the joint committee on federal financial assistance, including not more than eighty-four positions	$2,755,953
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	$484,900
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 regu-	

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	lations established by the secretary of human services	$1,500,000
4000-0720 For	a program of technical assistance and purchase 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	$1,320,295
4000-0750 For	a reserve to meet the costs of receivership of any facility or organization serving clients of any human service agency	$103,000
4000-0770 For	a reserve to meet the cost of providing a supplemental salary increase for employees of private human service providers including day/ habilitation service providers and in accordance with section seventy-two; provided, that funds may be transferred to other items of appropriation with the approval of the secretary of human services	$17,300,000
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 forty-seven; 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 ways and means	$6,373,721
	Local Aid Fund 100.0%	
4000-0790 For	the operation of the disabled persons protection commission pursuant to regulations promulgated by the commission; said regulations shall 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	$553,575
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 protection commission; provided, however, that funds may be transferred to other items of appropriation with the approval of the secretary of the executive office of human services	$250,000

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	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, including not more than twenty-three positions	$799,741
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 audits, including financial statement and financial related audits; performance audits, including economy and efficiency and program audits; investigative audits; and other related services, of or pertaining to 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 audits 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, to the office of the state auditor, and the secretary of the executive office of administration and finance 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	$1,137,199
	Rate Setting Commission.	
4100-0010 For	the administration of the commission, including not more than one hundred and eighty-two positions	$2,000,000
	Massachusetts Commission for the Blind.	
4110-0001 For	the office of the commissioner and bureau of research, including not more than twenty-three positions	$885,275
4110-1010 For	aiding the adult blind	$8,198,840
4110-1020 For	support of a medical assistance program for the blind, including such expenses incurred in	

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	previous fiscal years; provided, that the commission for the blind shall reimburse the department of transitional assistance 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 transitional assistance subject to the approval of the secretary of the executive office of human services; provided, however, that said interagency agreement shall assure that the commission maintains sole responsibility for all matters directly and indirectly associated with processing such claims, including policy and eligibility determinations; 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	$50,351,241
	Bureau of Individual Services.	
4110-2010 For	the administration of a talking book program, including not more than two positions	$445,930
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	$5,265,793
	Bureau of Rehabilitation.	
4110-3010 For	a program of vocational rehabilitation of the blind in cooperation with the federal government; provided that of the amount appropriated herein not less than one hundred thousand dollars shall be obligated for a contract with the Carroll Center for the Blind; 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	$2,070,079
	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	$1,222,224
	Massachusetts Rehabilitation Commission.	

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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 client's; provided further, that pursuant to an inter-agency agreement between the department of public welfare and the commission, positions authorized herein, in the amount of twenty-three, may be used for the operation of a program for disabled adults and children, including not more than eighty-nine positions $3,328,772

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; and provided further, that one hundred and twenty-five thousand dollars be obligated for the purchase of services for a general relief program $5,907,207

Social Services.

4120-0012 For social services programs; provided, that not less than six million three hundred and seventy-five thousand dollars be obligated for a program of extended sheltered employment; provided further, that not less than one million seven hundred and twenty thousand dollars be obligated for personal care assistance programs; provided further, that not less than two million five hundred and forty-two thousand dollars be obligated for independent living programs, provided that of said funds, nine hundred and twenty-five 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 four million dollars be obligated for a program of homemaker/chore services; provided further, that not

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	less than one million five hundred and twelve thousand dollars be obligated for a program of supported work for the retarded; provided further, that not less than one million one hundred thousand dollars be obligated for a program of supported work for the emotionally disturbed; provided further, that not less than two hundred and thirty-eight thousand four hundred dollars be obligated for a housing pilot program; provided further, that not more than two hundred thousand dollars be obligated for a program of supported living for the severely disabled; provided further, that not less than four hundred ninety-four thousand one hundred and fifty-six dollars be obligated for a social recreation program for the disabled; provided further, that not more than one hundred and fifty-five thousand five hundred and seventy dollars be obligated for a program of arts for the disabled, including but not limited to arts festivals, training and advocacy; provided further, that not less than four hundred and thirty 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 however, that no funds from this item be expended on employee positions	$18,778,369
4120-0071 For	the development and implementation of services to the traumatically head injured	$8,044,990
	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	$3,821,273
	Office for Children.	
4130-0001 For	the central administration of the office, including not more than thirty-three positions	$1,447,962
4130-0005 For	field operations; provided that not less than one hundred and fifty positions be assigned to a program of licensing; provided further, that no more than four hundred and forty thousand dollars be expended to assist those families whose income is between seventy and one hundred per cent of the median income of the commonwealth and are paying full cost for day care services, including not more than three hundred and twenty positions	$10,600,000
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	

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commissioner of administration; and provided further, that said formula shall take into consideration community needs and resources; and further provided that a cost of living adjustment of 3.8% shall be applied to all employees of said child care resource and referral centers, including not more than two positions $1,835,918

Commissioner of Veterans' Services.

4170-0010 For the office of the commissioner, including not more than fifty-eight positions $1,606,410

4170-0012 For a counseling program for veterans and their families, including the maintenance and operation of not more than eleven outreach centers, for counseling for Vietnam-era veterans and their families who may have been exposed to Agent Orange, and for a counseling program for incarcerated veterans, and for the completion of the Massachusetts Dioxin Tissue study, provided that not less than eighty thousand dollars be provided to each of the eleven outreach centers $1,005,257

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 $76,829

4170-0017 For the establishment of a reserve to fund the expenses of item 4170-0013, provided that no expenditures shall be made from this item until such time as the plan required by section seventy-seven of this act has been filed and a schedule of proposed expenditures has been approved by the house committee on ways and means; provided further, that funds from this item may be transferred to other items of appropriation within the commission of veterans' services $76,829

4170-0300 For the payment of annuities to certain disabled veterans $139,144

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 that the total cash benefit standard shall be increased by five and one-half per cent beginning July first, nineteen hundred and eighty-eight $11,760,750

Local Aid Fund 100.0%

4170-0650 For the continuation of a unit to be based at Rutland Heights Hospital and for the education of health professionals regarding the symptoms and effects on veterans of post-traumatic stress disorder $107,528

4170-0800 For the operation of the state house office of Vietnam Veterans of Massachusetts and 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 $40,000

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	Soldiers' Home in Massachusetts.	
4180-0100 For	the maintenance of the home, including not more than five hundred and seventy positions	$15,141,155
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	$494,718
	Soldiers' Home in Holyoke.	
4190-0100 For	the maintenance of the home, including not more than three hundred and eighty-five positions	$9,742,027
4190-0101 For	the maintenance of an adult day care program at the Soldiers' Home in Holyoke, including not more than eight positions	$149,356
	DEPARTMENT OF YOUTH SERVICES.	
4200-0010 For	the administration of the department, including not more than ninety-four positions	$3,700,000
4202-0021 For	the purchase of service for certain residential care programs, including certain secure programs, in accordance with the provisions of chapter twenty-eight A of the General Laws, and for certain nonresidential care programs from a list of vendors approved by and on file with the central office of the department; provided, that, notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws, no monies shall be advanced to the department from this account without the prior approval of the comptroller	$34,200,000
4237-1010 For	supervision, counseling, and other services by the department incidental to certain residential or nonresidential care programs; provided, that no expenditure shall be made hereunder for residential care which is not provided by departmental personnel; provided further, that notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws, no monies shall be advanced to the department from this account except for payroll and for necessary travel for department personnel, including not more than one hundred and eighty-eight positions	$6,250,000
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, including not more than three hundred and eighty-two positions	$11,400,000
	DEPARTMENT OF CORRECTION.	
4311-0001 For	the administration of the department; provided, that the persons employed under the division of classification of prisoners shall not be subject to the civil service law and rules; and pro-	

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	vided further, that notwithstanding any provision of law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies; and provided further, the department will provide monthly reports on overtime and excess quota positions usage, by facility, and retained revenue and expenditures from farm services and prison industries, to the house and senate committees on ways and means, including not more than one hundred and ninety-one positions	$6,300,000
4311-0003 For	a program of correctional residential services; provided, that not less than two hundred thousand dollars shall be obligated for aid to incarcerated mothers program; provided further, that not less than two hundred and sixty thousand dollars shall be obligated for a work connected alternative to sentencing program in the Lynn, Salem and Brockton district courts; provided further, that no funds shall be expended from this item for programs outside correctional institutions for those persons serving a life sentence for murder in the first degree, with the exception of medical or family emergencies or other extraordinary circumstances as approved by the commissioner, including not more than twenty-eight positions	$5,198,159
4311-0004 For	a health services program; provided, that not less than five million one hundred and 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 and sixty thousand dollars shall be obligated for mental health services for inmates at MCI-Framingham, including not more than two hundred and eighty-three positions	$20,600,868
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 positions	$4,113,274
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	$3,812,592
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	$974,225
4311-0011 For	a spiritual ministries reintegration program which shall be administered by an interfaith non-profit corporation with at least four years experience in providing reintegration services to prisoners through a system in which specific counselors contract with specific inmates to complete a counseling program of at least three months duration prior to release and at least six months duration subsequent to release from prison in order to facilitate reintegration into society	$185,000

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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 a correctional alcohol treatment facility in Hampden County and for a day reporting center; 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 fund 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-nine shall be returned to the 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 or a day reporting center, such expenditures may include but are not limited to salaries, travel, uniform allowance, purchase and maintenance of equipment and selecting contractual and professional services; provided further, that no permission will be required for the sheriff to transfer funds among codes or subcodes at the county level; provided further, that not less than ten thousand dollars shall be obligated for the kids corner', so-called, at Massachusetts correctional institution, Concord; and provided further, that no funds shall be expended from this item for programs outside correctional institutions for those persons serving a life sentence for murder in the first degree, with the exception of medical or family emergencies or other extraordinary circumstances as approved by the commissioner, including not more than four thousand three hundred and five positions $146,457,470

4349-0008 For a county and state modular program, so-called; provided, that the commissioner is hereby authorized to enter into agreements with the sheriffs in all counties 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-nine 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,

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	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; and provided further, that funds be made available for additional beds in Hampden county, including not more than twenty-seven positions	$19,000,000
4349-0020 For	the alleviation of overcrowding at MCI-Framingham, including not more than forty-two positions	$750,000

Parole Board.

4380-0001 For	the office of the board, including not more than two hundred and forty-five positions	$8,900,000

DEPARTMENT OF PUBLIC WELFARE.

Notwithstanding any provision of law to the contrary, unless otherwise specified, all federal funds received for the purposes of the department of public welfare shall be credited to the *General Fund*, and the department shall submit on a monthly basis to the house and senate committees on ways and means a status report on program expenditures, savings and revenues, error rate measurements, 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-eight.

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*,	

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	including not more than two thousand eight hundred and fifty positions	$81,226,004
4400-1000 For	the office of the commissioner, including not more than six hundred sixty-three positions	$33,407,905
4400-1002 For	a reserve to meet the costs of certain consultant contracts and excess quota positions, so-called	$1,658,500
4400-1003 For	the administration of the medicaid program, including a central automated vendor payment system and utilization review of medical assistance services, including not more than four hundred and twenty-three positions	$17,934,692
4400-1009 For	a program to provide employment, training and voucher day care, so-called; provided, that the department may allocate funds to other agencies for the employment and training program; provided further, that certain pregnant and parenting persons who have not yet reached the age of twenty-two years, including those who may be absent parents, 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 programs, be allowed to participate in the employment and training program; provided further, that the voucher day care program shall be available 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 further, that no "extended vouchers", so-called, shall be paid from this 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; provided further, that failure to submit said proposal for contracted day care shall require that the provider limit voucher enrollment to fewer than fifty children; provided further, that said voucher day care program shall be managed by the department of social services and that the department may allocate funds to the department of social services for this purpose; provided further, that services will 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 shall not exceed appropriation, including not more than ninety-seven positions	$74,457,531
4400-1010 For	the development and maintenance of automated data processing systems and services in support of department operations including the MPACS project, so-called; provided further, that expenditures from this item, as well as expenditures for the smartcard project, so-called, shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules approved by said office; and provided further, that said quarterly reviews will be submitted to the house and senate committees on ways and means, including not more than seventy-nine positions	$5,473,540
4400-1200 For	the expenses of operating a food stamp program for eligible persons in the commonwealth;	

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	provided, that banking institutions within the commonwealth, the United States postal service, and other agencies shall process the food stamps; provided further, that the department shall submit, within ninety days of the effective date of this act, a report outlining a plan to redeploy personnel necessitated by the caseload decline, including not more than four hundred and twelve positions	$12,176,310
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	$1,433,857
4400-4000 For	a program to provide certain primary and supplemental medical care and assistance for disabled adults and children as provided in sections six A and six B of chapter one hundred and eighteen E of the General Laws in addition to certain administrative costs; provided, that the department shall submit a report on such administrative expenditures sixty days after the effective date of this act to the house and senate committees on ways and means	$8,000,000

For a medical assistance program, as provided for in items 4402-5020 through 4402-5300, inclusive, including a program of special education medical services provided to medicaid children; provided, that the medical assistance standard for one-person families shall not be less than the payment standard, including state supplement, for a disabled individual living alone who is eligible for Supplemental Security Income payments under the provisions of Title XVI of the Social Security Act; provided further, that the medical assistance standard for medically needy families shall not be less than one hundred thirty-three and one-third of the highest monthly payment, annualized and rounded to the next higher multiple of one hundred dollars, that is ordinarily made under chapter one hundred and eighteen of the General Laws to a family of the same size without income or resources; provided further, that no expenditures 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 judgements, 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 4402-5300 inclusive; provided further, that an amount not to exceed three hundred 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; provided further, that the department of transitional assistance is authorized to provide certain primary and supplementary medical care and assistance for those families and individuals who, due to

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increased income from employment, lose eligibility for the program of medical care and assistance administered by the department in accordance with Title XIX of the Social Security Act, as provided in section one B of chapter one hundred eighteen E of the General Laws as amended by chapter twenty-three of the acts of nineteen hundred and eighty-eight; 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	$279,000,000
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 prior to statewide implementation of said reimbursement system, the department shall develop a demonstration project by July first, nineteen hundred and eighty-nine and report back to the legislature the results of said demonstration project	$266,000,000
4402-5022 For	intermediate care facility care; provided, that the department shall implement a prospective case mix reimbursement system for intermediate care facility care; provided further, that prior to statewide implementation of said reimbursement system, the department shall develop a demonstration project by July first, nineteen hundred and eighty-nine and report back to the legislature the results of said demonstration project	$311,000,000
4402-5023 For	chronic hospital care	$167,000,000
4402-5024 For	outpatient hospital care	$98,000,000
4402-5026 For	pharmacy services	$86,000,000
4402-5027 For	physician services	$84,120,000
4402-5028 For	dental services	$27,000,000
4402-5029 For	home health care	$52,000,000
4402-5030 For	other miscellaneous costs incurred by medical assistance recipients including miscellaneous administrative costs related to third party liability enforcement and the smartcard project, so-called, incurred by the department of public welfare; provided, that the department shall submit a report on such expenditures sixty days after the effective date of this act to the house and senate committees on ways and means	$103,000,000
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	$70,000,000
4403-2000 For	a program of aid to families with dependent children; provided, that the standard shall be increased five and one-half per cent as of July first, nineteen hundred and eighty-eight 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	

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month rent allowance shall be paid to all households not residing in public housing or subsidized housing, subject to federal reimbursement; 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-eight; 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-eight; 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 eighty million dollars, shall be credited to this account and may be expended without further appropriation for the purposes of this program; provided further, that certain families which will suffer a reduction in benefits due to their loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for this loss; 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; and provided further, that funds from this item expended for emergency shelter costs shall be subject to federal reimbursement $557,218,393

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 $124,517,050

4406-2000 For a program of general relief, including a program of emergency assistance; provided, that the payment standard shall be increased five and one-half per cent as of July first, nineteen hundred and eighty-eight; 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-eight; 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

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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; provided further, that no funds from this account shall be expended for homeless shelters without the prior approval of the house and senate committees on ways and means $96,000,000

4406-3000 For assistance to organizations which provide food, shelter and limited related services to the homeless and indigent; provided, that of the amount appropriated herein, not less than eight million dollars shall be obligated for a contract with the Pine Street Inn, Inc. located in the city of Boston; provided, 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 no less than two thousand households provided in item 3722-9007 shall be available to the department of transitional assistance 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 notwithstanding provisions to the contrary in section forty-three of chapter one hundred and twenty-one B of the General Laws; provided further, that not less than seven hundred and thirty-four thousand dollars be obligated for a comprehensive multi-service day program for the homeless $28,481,284

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; and provided further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother $21,000,000

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; and provided further, that the department may allocate funds to other agencies for this program $1,292,000

DEPARTMENT OF PUBLIC HEALTH.

The department of public health shall submit quarterly to the house and senate committees on ways and means a status report on all public health hospitals, by individual hospital, including,

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	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.	
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, including not more than one hundred and six positions	$3,798,432
4510-0102 For	the administration of the division of environmental epidemiology and toxicology; provided, that the department shall conduct a health study to determine the probable causes of excess mortality rates for certain diseases in Charlestown and South Boston and a health study in Billerica, including not more than fifteen positions	$562,275
4510-0103 For	the administration of the division of health promotion; provided, that not less than fifty-five thousand dollars be expended for the Governor's Committee on Physical Fitness and Sports; provided further, that not less than one hundred and fifty thousand dollars shall be obligated to Malden Hospital for a family practice residency program, including not more than fifteen positions	$946,270
4510-0106 For	the space rental costs of the department; provided, that all of the rental obligations incurred by the department shall be met from this line item and no other line items may be assessed such obligations	$2,981,090
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 one million four hundred thousand dollars in grant funds; provided further, that one hundred thousand dollars shall be obligated to establish a diabetes outreach program for the elderly and inner city population of the central area of the commonwealth; and provided further, that not less than one hundred and twenty-five thousand dollars shall be obligated for the Dimock Community Health Center; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, not less than one hundred and fifty 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; provided further, that not less than one hundred and forty thousand dollars shall be obligated for a pilot program to prevent individual and family breakdown through clinical services, including bilingual services, to be performed by the South End Community Health Center in the city of Boston, including not more than four positions	$1,764,752

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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 and a program of lead poisoning prevention; 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, including not more than one hundred and eleven positions	$3,422,134
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	$51,858
4510-0602 For	the implementation of a program to manage the disposal of low-level radioactive waste, in accordance with sections seven, eight, eleven, thirteen and sixteen of chapter one hundred and eleven H of the General Laws	$337,572
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	$211,219
4510-0607 For	a urea formaldehyde foam insulation program	$102,533
4510-0610 For	a rodent control grants program; provided, that funds shall be allocated based on the development of distribution criteria which identifies communities experiencing the highest incidence of rodent infestation; provided further, 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; and provided further, that no funds shall be expended for the administration of said program	$200,000
4510-0611 For	a reserve to meet the costs of implementing chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven; provided that the department shall inform the house and senate committees on ways and means and the joint committee on health care of the distribution of said funds; and provided further, that the department shall submit quarterly updates on the implementation of every section contained in chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven to the house and senate committees on ways and means and to the joint committee on health care	$300,000
4510-0710 For	the administration of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that not less than one hundred and fifty thousand dollars shall be	

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	obligated for the operation of a patient advocacy office; and provided further, that not less than eighty-four thousand dollars shall be obligated for a program of discharge plan reviews, including not more than one hundred and forty-five positions	$4,744,890
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	$700,584
4510-0790 For	an office of emergency medical services and for a program of nursing services within the central 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 ten positions	$713,039
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 less than two million two 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 two million dollars shall be obligated for the purposes of providing testing and laboratory services; provided further, that not less than two million dollars shall be obligated for contracted education services; provided further, that not less than two million six hundred thousand dollars shall be obligated for outpatient methadone maintenance programs; provided further, that not less than seven hundred thousand dollars be obligated to comprehensive family planning providers; provided further, that not less than nine hundred and fifty thousand dollars shall be obligated for inpatient hospice and residential facilities; provided further that not less than five hundred thousand dollars shall be obligated to provide funding for residential services for intravenous drug abusers at risk of contracting and spreading AIDS; and provided further, that not less than one hundred thousand dollars shall be obligated to the refugee health program to combat the incidence of Hepatitis B and HIV among the commonwealth's refugee populations; provided further, that eight hundred thousand dollars shall be obligated to the city of Worcester for a program to combat the incidence of Hepatitis B in Worcester, 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, 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-eight expenditures; and provided further, that at the end of fiscal year nineteen hundred and eighty-nine, 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, including not more than forty-seven positions	$14,618,020

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4512-0200 For	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 substance abuse among pregnant women; 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, that not less than five hundred thousand dollars shall be obligated to meet the cost of a supplemental salary increase for nurses in detoxification facilities; and provided further, that not less than one hundred and fifty thousand dollars shall be obligated for drug programs for inmates of state correctional facilities; provided further, that not less than three hundred sixty-one thousand eight hundred and sixty-eight dollars shall be obligated for an ambulatory case management program; and provided further, that not less than thirty-five thousand dollars shall be obligated for a substance and family abuse intervention/diversion and suicide prevention program to assist youth-at-risk in the South Norfolk area (Canton, Dedham, Foxborough, Millis, Medfield, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood and Wrentham), including not more than thirty-seven positions	$38,913,528
4512-0500 For	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, 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; and provided further, that not less than seventy-five thousand dollars shall be obligated for a program to identify and address "TMJ" disease in the commonwealth, including not more than seven positions	$2,830,000
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	$125,000
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 four hundred and twenty-seven thousand dollars shall be obligated for the annualized costs 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 not more than six hundred thousand dollars shall be obligated for the expansion of early intervention services; provided further, that one hundred thousand dollars shall be expended for the establishment of an early intervention pilot project for deaf and hard of hearing children; provided further, that not less than six hundred thousand dollars shall be expended for rape prevention and victim services and included within that amount not less than fifty	

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	thousand dollars shall be expended in the Beverly/Salem area and not more than thirty-two thousand dollars shall be expended in the Greenfield area for said services; provided further, that not less than two hundred thousand dollars shall be obligated for the Harvard Street neighborhood health center; and provided further, that not less than five hundred and eight thousand dollars shall be obligated for existing integrated preschool programs, including not more than one hundred and twenty positions	$22,133,409
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; and provided further, that not less than six hundred and two thousand dollars shall be obligated for Failure-to-Thrive programs, including not more than twenty-three positions	$9,432,881
4513-1005 For	the program of medical care and assistance administered by the department pursuant to section twenty-four D of chapter one hundred and eleven, for pregnant women and infants residing in the commonwealth; 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; 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	$3,100,179
4513-1006 For	a hospice program for children	$25,000

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4513-1007 For	a program to support Tay-Sachs and other allied disease research	$50,000
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 efforts of this office shall be prioritized to oversee successful implementation of the lead paint poisoning prevention program; provided further, 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, including not more than twenty-two positions	$765,000
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, including not more than two hundred and forty-six positions	$15,121,485
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	$1,915,054
4540-0001 For	the maintenance of and for certain improvements at the department of public health hospitals; provided, that not less than twenty-five million dollars shall be available for Lemuel Shattuck Hospital; provided, that not more than three hundred and fifty positions shall be available for Rutland Heights Hospital; provided further, that the department can initiate contracts with collection agencies for the purpose of collecting receivables owed to Rutland Heights Hospital; provided further, that not more than two hundred and forty-six positions shall be available for Western Massachusetts Hospital; provided further, that the department can initiate contracts with collection agencies for the purpose of collecting receivables owed to Western Massachusetts Hospital; provided further, that not more than three hundred and eighty-eight positions shall be available for Lakeville Hospital; provided further, that the department can initiate contracts with collection agencies for the purpose of collecting receivables owed to Lakeville Hospital; provided further, that, other than Rutland Heights Hospital, Western Massachusetts Hospital and Lakeville Hospital, this item shall not include more than two thousand seven hundred and forty-one positions	$78,249,999

DEPARTMENT OF MEDICAL SECURITY.

4600-1000 For	the administration of the department of medical security; provided, that the department shall submit an action plan to the house and senate committees on ways and means within sixty days of the effective date of this act, which shall include, but not be limited to, recommendations on personnel requirements, redeployment of existing state health planning resources, and a timetable for the implementation of chapter twenty-three of the acts of nineteen hundred and	

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	eighty-eight; provided that the department shall negotiate with regional health policy planners for relevant services, including not more than twenty positions	$938,000
4600-1050 For	the cost of supplementing the revenues in the uncompensated care pool pursuant to section fifteen of chapter one hundred and eighteen F of the General Laws plus administrative costs of managing the pool; provided that the department shall submit a schedule for approval to the house and senate committee on ways and means detailing all administrative expenditures from this item on said administrative costs; provided, that not less than one million dollars shall be obligated for the uncompensated care provided by community health centers	$8,500,000
4600-1300 For	phase-in initiatives to provide health insurance for the uninsured, as provided for in section ten of chapter one hundred and eighteen F of the General Laws	$5,000,000
4600-1400 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 to pursue related matters proceeding from the 1987 Report of the Special Commission on Elderly Health Care; provided, that prior to the establishment of said database, model and educational program, an interagency council shall be convened; said council to include the secretaries of the executive offices of elderly affairs, consumer affairs, human services and administration and finance, and shall consult with the Massachusetts long term care foundation, the Massachusetts association of community health agencies, the visiting nurse associations of Massachusetts, the Massachusetts hospital association, representatives of the academic community and other interested parties; provided further, that said interagency 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 fiscal year nineteen hundred and ninety; 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 function to be in place by fiscal year nineteen hundred and ninety-one; 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 interagency council shall be submitted to the committee on health care, the committee on human services, the committee on insurance, the special commission on elderly health care and the house and senate committee on ways and means	$200,000
4600-1500 For	the establishment of a fund for the purposes of addressing the critical labor shortage facing hospitals; provided that, said fund shall be administered by the department according to regulations promulgated by the department and approved by the secretary of the executive	

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office of human services and by the secretary of administration and finance; provided further, that said projects financed through the fund shall include, but not be limited to, training of health care workers, the development of career ladders within the health care professions, and the establishment of day care programs at hospitals and other health care facilities; and provided further, that funds for this pool shall be provided for by and assessment on each acute care hospital equal to one-tenth of one per cent of the gross patient service revenues of such hospital approved under section six A of the General Laws.

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-nine the department of social services shall expend not less than five million three hundred thousand dollars on services to women in transition.

Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means the number of adoptions finalized by the department and the number of adoptions pending decision; said reports shall include the percentage of adoptions of children by foster parents.

Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means all expenditures from the federal grant entitled Social Services Block Grant; said reports shall be by region and by program category.

Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means all new initiatives and

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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 for a program of social services; provided, that unless otherwise authorized to be expended, all funds including any federal reimbursements received by the department shall be credited to the General Fund; provided further, that: (1) All out-of-home placement decisions shall be governed by the best interests of the child. Based upon the child's individual needs, the following factors, which are conducive to permanency, planning and the speedy return of children to their homes or their placement into a new permanent setting, shall be taken into consideration: (a) the least restrictive setting for the child; (b) close proximity to the home of the child's family; (c) ability for frequent visits between child and his/her family; (d) a family of the same racial or ethnic or linguistic heritage or background; (e) it can serve as the placement for any of the child's siblings in the department's care or custody; and (f) it takes into consideration a mature child's choice of residence. The department shall consider the following placement resources in the following order: (g) placement in the child's own home; (h) placement in family foster care with relatives; with consideration given to extended family members and persons chosen by the parent(s) to be utilized for substitute care; (i) placement in family foster care with a married couple preferably with parenting experience and time available for parenting; (j) placement in family foster care with a person with parenting experience and preferably with time available for parenting; (k) placement in family foster care with a person without parenting experience and preferably with time available for parenting; (l) placement in community residential care. Any placement made pursuant to 110 CMR 7.101(1)(j) or (k) shall require the written approval of the commissioner. (2) When considering a relative or extended family member or any

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	individual chosen by parent(s) to be utilized to provide substitute care for a child, the department shall require that the relative or extended family member or individual chosen by parent(s) meet the department's requirements for child-specific placements, as set forth at 110 CMR 7.108. (3) If placement is not made with relatives or members of the child's extended family, the child's service plan shall indicate in writing: (a) which relatives or extended family members were given consideration; and (b) the reason(s) why said persons were rejected by the department, including not more than two hundred and fifty positions	$8,350,000
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 maintain a central registry and tracking system to monitor the progress of such children in the adoption process; and provided further, that no funds shall be expended to provide subsidies to adoptive parents for children no longer in their care; including not more than twenty-nine positions.	$17,779,250
4800-0023 For	programs of adolescent assessment and treatment	$2,744,367
4800-0025 For	a program of foster care review, including not more than sixty-two positions	$2,273,588
4800-0028 For	a reserve to fund new program expansion within the department of social services, including six hundred fifty thousand dollars for transitional living services of which not less than three hundred thousand dollars shall be devoted to homeless prevention services for women in transition and two hundred thousand dollars shall be devoted to homeless prevention services for pregnant and parenting teens; provided further, that not less than five hundred thousand dollars shall be devoted to emergency services and shelters for women in transition; of which no less than one hundred thousand dollars shall be devoted to an emergency shelter in the metrowest area; one million dollars to provide specialized foster care services for high-risk children including adolescents and children with multiple handicaps; four hundred thousand dollars to develop and implement an after-hours network of support services for foster parents; 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, eligibility for such reimbursement, 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	$4,000,000
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	$593,878
4800-0060 For	a program of day care services; provided, that vacant contracted basic slots will be filled	

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	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 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 one million dollars shall be obligated for expansion of day care services in fiscal year nineteen hundred and eighty-nine, including one hundred new basic slots, eighty-five new teen parent day care slots and eighty-five new supportive slots; provided further, that so-called extended voucher day care placements be converted into contracted slots by January first, nineteen hundred and eighty-nine 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; provided, that any voucher provider with fifty or more voucher placements, where said placements constitute fifty or more per cent of the provider's total program capacity, who has been denied a day care contract with the department of social services, shall not enter into a voucher provider agreement without sign-off by the commissioner of the department of social services including, for the voucher day care program, not more than nine positions	$95,925,259
4800-0100 For	the administration of the department's six regions, including not more than six hundred and fifty-seven positions	$26,559,163
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 shall be obligated for purchased social services in region III; provided further, that not less than two million seven hundred and seventy-two thousand dollars shall be obligated for purchased social services in region IV; 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	

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hundred and fifty thousand dollars shall be obligated for purchased social services in region VI; provided further, that the department report quarterly to the commissioner of administration and finance and the house and senate committees on ways and means on expenditures for purchased services by type of program *including number and type of clients served*, number of open referral services and number of voluntary placements, including not more than one thousand six hundred and sixty-eight positions $112,016,710

4800 1040 For certain public/private partnership programs; provided that not less than three million eight hundred thousand dollars be expended on day care services, provided that sufficient donated funds are received; provided, that not less than eight hundred thousand dollars be expended on emergency services for battered women, provided that sufficient donated funds are received; provided further, that any expenditures from this item shall be contingent upon a contractual partner agreement secured by a program provider committing a private or public source other than the commonwealth to provide funds equal to twenty-five per cent of the cost of any proposed public/private partnership program; provided further, that the department, subject to the provisions of chapter thirty A of the General Laws and with the approval of the executive office of human services, shall promulgate any rules and regulations as are deemed necessary to administer said programs; provided further, that such rules and regulations along with any amendments or repeals shall be submitted to the house and senate committees on ways and means prior to implementation; and provided further, that any federal reimbursements received for this purpose, unless otherwise authorized to be expended, shall be credited to the General Fund $15,219,156

DEPARTMENT OF MENTAL HEALTH.

Notwithstanding any general or special law to the contrary, the department of mental health shall report quarterly to the house and senate committees on ways and means the status of all existing community-based programs, including the total cost of each program, its client capacity, and the number of clients actually being served.

The department of mental health shall report quarterly to the house and senate committees on ways and means expenditures made, by region, for the establishment of new community-based programs, 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

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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 $1,265,000

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 five hundred and fifty-eight positions $24,167,344

5046-0000 For mental health services for adult clients; provided that a maintenance of effort be made for the continuation of psychosocial rehabilitation programs; provided further, that not more than three million dollars shall be available by the department 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 of the sum appropriated herein, not less than two hundred thousand dollars be obligated for the provision of technical assistance to non-profit agencies in order to expedite the development of community housing for the mentally ill, including not more than one thousand two hundred and twenty-seven positions $141,470,791

5047-0000 For mental health services for children and adolescents; provided, that of the sum obligated herein, not less than one hundred and fifty thousand dollars be obligated for mental health services for Cambodian and Vietnamese adolescents and their families, including not more than one hundred and seventy positions $47,924,149

5049-0000 For forensic mental health services, including not more than one hundred and twenty-two positions $7,615,118

5051-0100 For the operation of community mental health centers, including not more than two thousand five hundred and thirty-five positions $79,200,000

5095-0000 For the maintenance of the state hospitals, the Gaebler Children's Center, and the treatment center at the Massachusetts Correctional Institute at Bridgewater, including not more than five

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	thousand and fourteen positions	$152,700,000
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 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	$7,785,213

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 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

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client capacity, the number of clients being served and the use of such facilities by other state agencies.

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 $5,700,000

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; provided further, that no more than one hundred thousand dollars be obligated for transportation services to mentally retarded persons who are competitively employed in private work settings, and who are eligible for such services under the provisions of chapter six hundred and thirty-three of the acts of nineteen hundred and eighty-seven, including not more than twelve positions $28,900,000

5911 0100 For the administration and general services of the department, including not more than three hundred and forty-nine positions $11,937,003

5947 0000 For mental retardation services, for children and adolescents $3,147,236

5948-0000 For mental retardation services; provided, that a maintenance of effort be made to continue 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 eight million nine hundred twenty-six thousand one hundred and ninety-four dollars be obligated for a program of respite care services for eligible persons including persons of low-incidence populations, including not more than six hundred and fifty-one positions $225,200,000

5983-0100 For the operation of facilities for the mentally retarded, including not more than ten thousand six hundred and one positions $268,000,000

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 $497,689

Highway Fund 100.0%

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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 $181,897,431

General Fund 80.0%

Highway Fund 20.0%

6005-0012 For certain debt service contract assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of section twenty-eight of chapter one hundred and sixty-one A of the General Laws $98,075,070

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 $575,000

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 $500,000

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-eight and ending June thirtieth, nineteen hundred and eighty-nine, 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 $18,753,379

General Fund 80.0%

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	Highway Fund 20.0%	
6005-0017 For	certain payments to cities and towns as authorized by clause (c) of section thirteen of chaptersixty-four A, section thirteen of chapter sixty-four E and 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	$24,681,360
	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 for 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 calendar 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	$12,100,000
	General Fund 80.0%	
	Highway Fund 20.0%	
6005-0100 For	the expenses of commuter boat services, including not more than one position	$103,195

Massachusetts Aeronautics Commission.

6006-0003 For	the administration of the commission, including personnel services and expenses of the commissioners, including not more than eleven positions	$470,659

DEPARTMENT OF PUBLIC WORKS.

Highway Activities.

Personnel Services.

6010-0001 For	personnel services of the department; provided, that, notwithstanding the provisions of section four of chapter sixteen of the General Laws, the commissioner may appoint six additional assistants who shall serve at the pleasure of the commissioner and shall not be subject to chapter thirty-one of the General Laws and may also appoint a deputy chief counsel (counsel III) who shall not be subject to chapter thirty-one of the General Laws, including not more	

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	than three thousand four hundred and forty-three positions		$97,134,846
	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 one hundred and seventy-four thousand five hundred dollars be obligated for the purposes of providing emergency response services associated with the construction and improvements to the Central Artery North Area project		$285,000
	Local Aid Fund	65.0%	
	Highway Fund	35.0%	
	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		$6,600,000
	Outdoor Advertising Division.		
6020-2505 For	the administration of the board, including not more than five positions		$215,178
	Maintenance and Operation of State Highways and Bridges.		
	Appropriations under this heading may be expended for traffic safety control on certain city or town ways:		
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-nine expenditures be filed with the house and senate committees on ways and means on or before May first, nineteen hundred and eighty-nine; and provided further, that any surplus after May first, nineteen hundred and eighty-nine 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		$962,170
	Highway Fund	100.0%	
6030-7401 For	the purchase of materials and supplies for the maintenance and operation of state highways and bridges, excluding those specifically provided for in item 6030-7201		$2,000,000

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	Highway Fund	100.0%	
6030-7403 For	the expenses of fleet management and maintenance equipment		$3,458,358
	Highway Fund	100.0%	
6030-7601 For	maintenance and operation of state highways and bridges; provided, however, that not less than fifteen thousand dollars shall be expended 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 along various state highways, the Massachusetts portion of *the Blackstone River Valley National Heritage Corridor* established by P.L. 99-647		$6,393,777
	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; provided further,* that the town of Needham 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%	

EDUCATION.

Libraries.

7000-9101 For	the administration and expenses of the board of library commissioners, including not more than twenty-one positions	$800,000
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	

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	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		$9,807,191
	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 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		$5,951,539
	Local Aid Fund	100.0%	
7000-9502 For	additional state aid to public libraries; provided, that the amount distributed to each city or town shall be in the same proportion as their population is to the total population of all cities and towns within the commonwealth, excluding that which is provided for in subsection (4) of section nineteen C of chapter seventy-eight of the General Laws		$1,500,000
	Local Aid Fund	100.0%	
7000-9506 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 forty-eight positions	$10,500,000
7010-0008 For	the purchase of equipment and services to automate the teacher certification system	$112,568
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	

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	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-eight; 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, 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	$14,247,625
	Local Aid Fund 100.0%	
7010-0025 For	the development, administration and scoring of a statewide assessment test and a statewide basic skills test	$1,300,000
7010-0042 For	grants to cities, towns or regional school districts 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	

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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-nine; provided, however, that not more than 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 $500,000

7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for said programs in consultation with the secretary of economic affairs; provided further, that any funds that are distributed under this item to cities, towns,

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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 $1,775,000

Local Aid Fund 100.0%

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws; provided, that the department shall provide services to eligible inmates in county houses of correction in accordance with and during the preliminary injunction issued by the United States District Court, District of Massachusetts; provided further, that pursuant to the court judgment in Quirk v. Anrig the department may pay retroactive salary adjustments for services provided by institutional school personnel, including not more than one hundred and twenty-two positions $9,679,550

7028-0101 For "incentive grants" to be paid to cities, towns and regional school districts to pay for the approved costs of educating certain children transferred to local education programs, the amount of such approved costs to be determined in each case by the department of education; provided, that any "incentive grant" payments made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; and provided further, that any educational costs covered by an "incentive grant" payment made under this appropriation shall not be eligible for recovery under section two of chapter seventy of the General Laws $839,759

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 provisions of special education to certain children transferred from the department of public welfare to the department of education; provided, that said children transferred from the department of public welfare to the department of education were placed by the department of public welfare in a private special education program as of September

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	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	$7,750,000
7030-0200 For	the operation of the regional education centers, including not more than one hundred and thirty positions	$5,078,200
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 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 law to the contrary	$10,000,000
	Local Aid Fund 100.0%	
7030-1500 For	grants to head start programs; provided that, of the sum appropriated herein, not more than four million dollars be used to supplement the salaries of Head Start employees; provided further, that of the sum appropriated herein, not less than one hundred thousand dollars be obligated for the purpose of repairs and renovations to buildings occupied by Head Start programs	$6,000,000
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; provided, that 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 any general or special law to the contrary	$1,000,000
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	

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	for students in grades seven through twelve, pursuant to the provisions of section fifty-two of chapter fifteen of the General Laws; provided, that seventy-five per cent of said funds shall be allocated to basic skills remediation programs and twenty-five 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 dollars shall be obligated for a collaborative program between the public schools and science museums of the commonwealth; provided further, that, notwithstanding any provision of law to the contrary, the commissioner of education shall allocate said one million dollars in accordance with an allocation plan approved by the house and senate committees on ways and means		$10,000,000
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		$500,000
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%	
7030-4060 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 schools or private institutions of higher education; provided further, 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 any provisions of any general or		

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	special law to the contrary	$500,000
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; provided, that the use of these funds be limited to non-capital expenditures	$300,000
	Local Aid Fund 100.0%	
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 under this 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 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	$750,000
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 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; and provided further, that of the sum appropriated, not less than one hundred twenty-five thousand dollars be obligated for the purpose of providing training in health education to teachers	$1,625,000
	Local Aid Fund 100.0%	

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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 nine hundred thousand 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		$2,256,857
	General Fund	70.0%	
	Local Aid Fund	30.0%	
7035-0003	For the establishment of a reserve to fund the expenses of item 7035-0002 provided that no expenditures shall be made from this item until such time as the plan required by section seventy-seven 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, that nine hundred thousand dollars of the amount appropriated herein be administered through the Commonwealth's Service Delivery Area System; provided further, that funds from this item may be transferred to other items of appropriation within the department of education		$2,256,857
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 section 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 the reimbursement entitlement under the provisions of section eight A of chapter seventy-four of the General Laws shall be one hundred per cent for towns with populations of two thousand or less; 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 sixty-three of the acts of nineteen hundred and eighty-three shall be ineligible for any reimbursement of costs incurred during fiscal year nineteen hundred and eighty-nine 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		$64,924,160
	Local Aid Fund	100.0%	
7035-0006	For the reimbursement of regional school districts for the transportation of pupils; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein		$28,062,088
	Local Aid Fund	100.0%	

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7051-0015 For the administration of the temporary emergency food program, in addition to any federal funds available for this purpose $403,348

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; 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-nine shall not exceed fifteen million dollars, of which amount not more than nine 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 $17,000,000

7052-0005 For grants and reimbursements to cities, towns, regional school districts and counties under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight for annual payments on accounts of school projects on which the first annual payment has been made; provided, 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 Board of Trustees of Massasoit Community College $110,000,000

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, (b) for surveys made of school building needs and conditions, (c) for matching stabilization fund payments, and (d) for costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings for vocational programs $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%

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7053-1910 For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons; provided, that the department of education may reimburse cities and towns for prior years' expenditures $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-nine shall be equivalent to the amounts listed in section three of this act $99,216,414

Local Aid Fund 100.0%

7061-0004 For additional assistance to cities and towns in which the total regional school district assessments in fiscal year nineteen hundred and eighty-eight exceed eighty per cent of the fiscal year nineteen hundred and eighty-eight allowable tax levy as determined by the commissioner of revenue; provided, that the amounts to be distributed shall be proportional to fifty per cent of the amount by which said total assessments exceed eighty per cent of said allowable levy and shall be reduced by any amount by which the fiscal year nineteen hundred and eighty-eight actual tax levy in a city or town is less than ninety-eight per cent of the fiscal year nineteen hundred and eighty-eight allowable tax levy as determined by the commissioner of revenue; and provided further, that for towns with populations of two thousand or less in which the total regional school district assessments in fiscal year nineteen hundred and eighty-eight exceed two-thirds of the fiscal year nineteen hundred and eighty-eight allowable tax levy as determined by the commissioner of revenue, that the amounts to be distributed shall be proportional to one-third of the amount by which said total assessments exceed two-thirds of said allowable levy and shall be reduced by any amount by which the fiscal year nineteen hundred and eighty-eight actual tax levy in a town is less than ninety-eight per cent of the fiscal year nineteen hundred and eighty-eight allowable tax levy as determined by the commissioner of revenue $100,000

7061-0007 For grants to cities, towns and regional school districts for the direct cost of programs of instruction approved in accordance with section seven B of chapter seventy-four of the General Laws, for apprentices as defined in sections eleven E to eleven L of chapter twenty-three of the General Laws $400,000

Local Aid Fund 100.0%

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools and independent vocational schools to be distributed pursuant to the provisions of section three

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of this act $1,229,874,119

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; provided, that notwithstanding any general or special laws to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $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; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $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 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-eight; provided, that the commonwealth shall not pay more than sixty per cent of the cost of any such residential placement; provided further, that the department of education shall receive notification from the rate setting commission on the fiscal impact of a programmatic audit of a residential school prior to completion of such an audit report $17,000,000

Local Aid Fund 100.0%

7061-0013 For a pilot program in accordance with section one hundred and one of this act provided that the amounts distributed from this item shall be deducted from payments made from item 7061-0008 of section two of this act as described in said section one hundred and one $1,000,000

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-seven 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, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school district

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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 $110,174,292

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 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-eight multiplied by twelve dollars; provided further, that such funds are used for purposes consistent with the intent of said section fifty-one; provided further, 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; and provided further, that school improvement councils may contract with private non-profit foundations and corporations, formed for the express purpose of facilitating public and private collaborations, to administer school improvement council funds on behalf of school improvement councils and cities, towns, regional school districts, educational collaboratives and independent vocational schools $10,100,000

Local Aid Fund 100.0%

7061-4060 For awards to schools pursuant to section fifty-five of chapter fifteen of the General Laws recognizing educational achievement; provided, however, that awards shall be no less than twenty-five thousand dollars nor greater than fifty thousand dollars $500,000

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; and provided further, 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 appro-

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	priation, notwithstanding the provisions of any general or special law to the contrary Local Aid Fund 100.0%	$7,409,146
	BOARD OF REGENTS.	
7066-0000 For	the office of the board of regents, including not more than eighty-eight positions	$4,074,500
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 any general or special 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 services 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	$2,287,850
7066-0004 For	a program for a silver-haired legislature	$43,000
7066-0005 For	the commonwealth's share of the cost of the compact for education	$51,200
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 of regents including tuition retention accounts; 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 four positions	$181,500
	Scholarship Program.	
7070-0031 For	a program to increase access to public and independent institutions of higher education, known as the Ronald E. McNair Education Opportunity Program, including not more than forty-four positions	$6,598,284
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	$3,568,642
7070-0033 For	a collaborative engineering program administered by the board of regents	$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

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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 tothe 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; andprovided 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	$1,836,000
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; provided, 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 which allocation plan shall be approved within forty-five days following the effective date of this act; provided, however, that said board may, on July one, nineteen hundred and eighty-eight, allocate from this appropriation an amount equal to up to ten per cent of the fiscal year nineteen hundred and eighty-eight appropriation for this purpose to 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 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;	

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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 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 Center at the University of Lowell; provided further, that of the amount appropriated herein, not less than three hundred fifty 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 Gerentology 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 eight 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 four 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 less than two hundred forty-five thousand dollars be obligated for the purposes of the Berkshire nursing project; provided further, that of the sum appropriated herein, not more

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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; provided further, that of the sum appropriated herein, not less than two hundred fifty thousand dollars shall be obligated for the purposes of an Institute of Latino Community Development 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; provided, that of the sum appropriated herein, not more than one hundred thousand dollars shall be expended for a cooperative agreement for acid rain research between the University of Massachusetts at Amherst and the department of fisheries, wildlife, and environmental law enforcement; provided, that of the sum appropriated herein, not more than four million dollars shall be obligated for the purposes of collaborative education programs between the public institutions of higher education and elementary and secondary schools within the commonwealth; provided further, that, notwithstanding any provision of law to the contrary, the chancellor of the board of regents shall allocate said four million dollars in accordance with an allocation plan approved by the house and senate committees on ways and means; provided, that of the sum appropriated herein, not more than one million five hundred thousand dollars shall be obligated for the purchase of scientific, technological and other educational reference material for the libraries; provided, that of the sum appropriated herein, not more than one hundred and sixty-seven thousand dollars shall be obligated for the purpose of a center for teaching and learning; provided that said one hundred sixty-seven thousand dollars may be allocated to this item by the department of education for joint funding of the center's operations through an interagency agreement between the department of education and the board of regents; provided further, that of the sum appropriated herein, not more than six hundred thousand dollars shall be obligated for a reserve for higher education purposes to be allocated at the discretion of the chancellor of the board of regents; provided further, that five hundred thousand dollars of the sum appropriated herein shall be obligated for a reserve for program improvements within the public system of higher education, including not more than fourteen thousand five hundred and twenty-five positions $643,903,415

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

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conducted by the University of Massachusetts at Amherst for the Berkshire, Franklin, Hampden, Hampshire, Suffolk, Essex, Dukes/Nantucket, Middlesex, Worcester, Bristol, Plymouth, Barnstable 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 ninety-two positions $5,100,000

7100-0110 For a reserve for the establishment of collaborative educational programs between independent institutions of higher education and public elementary and secondary schools within the commonwealth; provided, that, notwithstanding any provision of law to the contrary, the chancellor of the board of regents shall allocate such appropriation to said institutions of higher education in accordance with an allocation plan approved by the house and senate committees on ways and means; provided further, that the support of consortia between independent institutions of higher education and public elementary and secondary schools shall be provided for under said allocation plan; 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 public 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 $1,000,000

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 $609,300

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100 For the office of the secretary, including not more than twelve positions $642,457

Highway Fund	85.0%
General Fund	15.0%

8000-0101 For the purposes of expenses for wellness programs pursuant to section sixty-one B of chapter thirty-one, section five A of chapter thirty-two, and section two hundred and five of chapter one hundred and eleven of the General Laws; provided that no funds shall be expended without

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	approval of the house and senate committees on ways and means		$200,000
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		$3,200,000
8000-0110 For	the administration and operation of the criminal justice information system, including not more than forty-eight positions		$2,114,602
	Highway Fund	50.0%	
	General Fund	50.0%	
8000-0150 For	the LEAPS/CJIS Terminal Network		$1,103,996
	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; provided, that not less than forty-five thousand dollars shall be obligated for the printing of the building codes, including not more than nine positions		$410,270

Architectural Access Board.

8000-0500 For	the expenses of the board, including not more than seven positions	$262,619

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, however, that no qualified person whose appointment to a police position has been approved by the personnel administrator prior to July first, nineteen hundred and eighty-eight pursuant to a settlement agreement between the parties to Middlesex Superior Court action no. 87-1153 shall, notwithstanding the determination by the medical occupational review panel of the department of personnel administration that such person was not capable to perform the functions of the position due to a physical handicap, be excluded from any of said academies due to such handicap, including not more than fifty-nine positions	$3,100,000

Department of Public Safety.

Item		
8311-1000 For	the administration of the department, including not more than seventy positions	$1,737,414
8311-2060 For	the administration and operation of the crime laboratory, including not more than thirty-three positions	$1,345,663
8311-2080 For	the operation of an automated fingerprint identification system	$1,018,016

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 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	$56,457,803
	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	$388,800
	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	$729,376
	Highway Fund 100.0%	
8312-6050 For	the administration and operation of a drug enforcement administration task force	$145,000

Division of Fire Prevention and Regulation.

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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 the arson prevention program shall be expended for the administrative cost of the program; provided further that the expenses of the board of fire prevention regulations, pursuant to section fourteen of chapter twenty-two of the General Laws, be paid from this appropriation; provided further, that the expenses of the fire safety commission be paid from this item, including not more than sixteen positions $488,951

Division of Inspection and Regulation.

8315-1000 For the administration of the division; provided, that the expenses of the state boxing commission be paid from this item; provided further, that not less than thirty thousand dollars be available for 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, including not more than ninety-eight positions $2,686,937

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

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 two hundred thousand 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

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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; provided that not less than forty thousand dollars shall be available for an arson program in the city of Fall River, including not more than seventeen positions $1,258,031

Registry of Motor Vehicles.

8400-0001 For the operation 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 the registrar of motor vehicles shall establish a one-year priority, special strike force in the registry to work with local communities to remove uninsured vehicles from Massachusetts roads for the purpose of implementing chapter eight hundred and six of the acts of nineteen hundred and eighty-five, and provided further, that the registry shall be required to report preliminary results of implementation of chapter eight hundred and six to the joint committee on insurance and to house and senate ways and means committees by January first, nineteen hundred and eighty-nine, and quarterly reports thereafter; 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 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 and eighty-three of chapter six of the General Laws; provided, that not less than one hundred and twenty-five thousand dollars shall be available for the issuance of, so-called, special issue license plates; provided further, that said special issue plates shall be considered as, so-called, vanity plates for the purposes of issuance, 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 $33,538,773

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 $3,440,330

Highway Fund 100.0%

8400-0004 For the operation and expenses of the registry computer $4,100,000

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	Highway Fund 100.0%	
8400-0006 For	the administration and operation of a motor carrier safety assistance program	$450,000
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	$1,430,461
	Highway Fund 100.0%	
8400-0100 For	expenses of the merit rating board authorized by chapter six of the General Laws; provided, however, that as of January first, nineteen hundred and eighty-five, that notwithstanding any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter ninety C of the General Laws, including not more than ninety-eight positions	$4,600,000
	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	$2,826,867
	Committee on Criminal Justice.	
8600-0001 For	the administration of the committee on criminal justice, including not more than twelve positions	$434,009
	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 administration of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the Camp Curtis Guild rifle range and certain national guard aviation facilities, including not more than one hundred and forty-eight positions	$4,336,560

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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 however, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities; provided further, that from the sum appropriated herein, provisions be made to adequately 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, including not more than forty positions $759,060

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 current fiscal year as provided by the department of public utilities and shall be credited to the general fund; provided further, that no more than one hundred and sixteen thousand six hundred and eighty-one dollars may be expended from this item until one hundred and seventy-five thousand dollars in fiscal year nineteen hundred and eighty-eight assessments to utilities have been 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 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-eight, detailing the activities undertaken with regard to this line item; and provided further, that no expenditures may be made from this item without prior approval of the secretary of public safety, including not more than eleven positions $466,724

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	General Fund	96.9%	
	Local Aid Fund	3.1%	
	Governor's Highway Safety Bureau.		
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		$143,641
	Highway Fund	100.0%	
8850-0011 For	a motorcycle safety program, including not more than two positions		$188,480
	Motorcycle Safety Fund	100.0%	
	EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.		
	Office of the Secretary.		
9000-0100 For	the office of the secretary, including not more than fourteen positions		$625,000
9000-0101 For	the expenses of the Commonwealth Literacy Campaign, including not more than four positions		$570,000
9000-0102 For	the expenses of the Massachusetts Technology Park Corporation		$3,357,000
9000-0104 For	the expenses of a corporate child care resource center		$73,250
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		$834,653
9000-0110 For	the expenses of the centers of excellence corporation		$3,069,255
9000-0112 For	the operation of satellite job training centers in Boston, Springfield and Cambridge		$989,282
9000-0200 For	the expenses of the MASSJOBS Council, including not more than four positions		$200,000
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		$431,387
9000-0400 For	the expenses of the Bay State Skills Corporation		$1,031,250
9000-0404 For	the establishment of a reserve to fund the expenses of items 9000-0300 and 9000-0400; provided, that no expenditures shall be made from this item until such time as the plan required by section seventy-seven of this act has been filed and a schedule of proposed expenditures has been approved by the house committee on ways and means; provided further,		

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	that funds from this item may be transferred to other items of appropriation within the executive office of economic affairs	$1,181,387
9000-1715 For	the provision of capital for the Massachusetts Product Development Corporation, as provided by chapter forty K of the General Laws, to be used for providing financial aid to persons and businesses for the commercial development of new products which generate employment in Massachusetts	$400,000
9000-1716 For	the administration of the Massachusetts Product Development Corporation	$195,000
9000-1801 For	the administration of the Massachusetts Office of Business Development; provided, that of the amount appropriated herein, not less than one hundred and twenty-five thousand dollars 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, including not more than forty-six positions	$1,915,744
9000-1802 For	a program to promote employee involvement and ownership in the workplace	$125,000
9000-1803 For	a reserve to provide loans for financial and technical assistance to employee ownership projects	$50,000
9000-1820 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
9000-1900 For	the expenses of the office of travel and tourism, for the promotion of vacation travel within the commonwealth, including the promotion and marketing of overseas international tourism; 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, the undersecretary of economic development and 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 not less than fifty thousand dollars shall be obligated to the executive office of economic affairs	

Item		
	for a study to determine the fiscal impact of tourism promotion; provided further, that funds from this item may be transferred to other items of appropriation within the executive office of economic affairs, including not more than eighteen positions	$9,051,817
9000-1910 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 twelve positions	$201,534
9000-1920 For	financial assistance for local tourist councils; provided, that the office of travel and tourism develop a formula for the distribution of said funds which shall be filed with the house and senate committees on ways and means by September first, nineteen hundred and eighty-eight	$2,728,524
9000-2000 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, including not more than ten positions	$536,312
9000-2100 For	the expenses of the Massachusetts 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 and ten thousand dollars be obligated for the activities of the international coordinating council	$895,000
9000-2200 For	the expenses of the state office of minority and women business assistance; provided, that the state auditor shall conduct a study to determine the total dollars awarded in state contracts for goods and services in the years nineteen hundred and eighty-three through nineteen hundred and eighty-seven, inclusive, to women business owners, and the total dollars awarded in state contracts for goods and services in the years nineteen hundred and eighty-three through nineteen hundred and eighty-seven, inclusive, to minority business owners, and the percentage that each amount represents of said total; provided further, that said study shall be submitted to the house and senate committees on ways and means and the house and senate committees on post audit and oversight no later than January first, nineteen hundred and eighty-nine, including not more than twenty-five positions	$660,686
9000-2300 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	$74,000

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; provided, that the director of the division may consult with departments, commissions, offices, boards, divisions, institutions and other agencies for the	

Item		
	purpose of planning for and operating employment and training programs within the division	$7,766,023
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	$2,000,000
9081-7006 For	the expenses of the MassJobs Southeast Project	$450,000

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 and management are maintained; provided further, that the secretary shall file a report of the results of an independent study of the caseload requirements for case managers with the house and senate committees on ways and means by December thirty-first, nineteen hundred and eighty-eight, including not more than seventy-one positions	$3,000,000
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	$932,234
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 fifty-four 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 more than three million one hundred seventy-four thousand 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	

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to meet matching requirements of Title III of the Older Americans Act; provided further, that the department of elder affairs shall submit a detailed report of aggregate monthly home care purchase of service expenditures, compiled from monthly spending plans submitted to the department by the individual home care corporations; provided further, that said report shall also include: (1) the total number of clients, (2) number of clients by so-called FIL, (3) number of clients entering and leaving the home care program by so-called FIL, (4) client origination data by so called FIL, (5) cost per client, and (6) 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 for administration and finance, no later than two months following the month reported; 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; 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 $86,683,907

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 home care corporations who receive contracts from said department for fiscal year nineteen hundred and eighty-nine shall provide not more than a three and eight-tenths of a per cent cost of living salary increase for home care corporation personnel employed as of July first, nineteen hundred and eighty-eight; provided further, that not less than one million dollars shall be placed in a reserve for the executive office of elder affairs to fund additional salary increases for certain home care corporation personnel; provided further, that the funding for the additional salary increases be subject to the provisions of section one hundred, 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 for 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 $41,318,065

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

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	discharged from acute facilities; provided, that the executive office of elder affairs compile a report on the data obtained from this program, and evaluate its effectiveness, to be submitted to the house and senate committees on ways and means by December thirty-first, nineteen hundred and eighty-eight	$138,988
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 and the executive office for administration and finance	$670,008
9110-1660 For	a program of congregate and shared housing services for the elderly; provided, that the department of elder affairs shall submit to the house and senate committees on ways and means a quarterly update, no later than the last day of the following quarter, of all new and existing coordinator positions filled and salaries paid for said positions	$840,272
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 and 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	$179,050
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 the stipend for part-time corpsmen shall not exceed one hundred and thirty dollars per month; provided further, that not less than two hundred eighty-five thousand five hundred fifty-two	

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	dollars be expended for foster grandparent programs and senior companion programs; provided further, that not less than one hundred and fifty-five thousand seven hundred dollars shall be expended for the retired senior volunteer program; provided further, that not less than three million eighty-three thousand four hundred sixty-seven 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; and provided further, that not less than thirty thousand dollars shall be used for contracting with a non-profit organization made up of nursing home residents whose purpose it is to improve the quality of life in nursing homes	$7,547,859
	EXECUTIVE OFFICE OF CONSUMER AFFAIRS.	
	Office of the Secretary.	
9200-0100 For	the office of the secretary, including not more than twenty-one positions	$770,443
9200-0150 For	new and used car arbitration, including not more than seven positions	$309,709
	State Racing Commission.	
9210-0001 For	the administration of the commission, including not more than forty-five positions	$2,552,684
	Alcoholic Beverages Control Commission.	
9212-0001 For	the administration of the commission, including not more than forty-two positions	$1,265,562
	Community Antenna Television Commission.	
9215-0001 For	the administration of the community antenna television commission, including not more than nine positions	$350,000
	Division of Standards.	
9218-0100 For	the administration of the division of standards, including not more than twenty-nine positions	$740,000
	Division of Banks.	

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9221-1000	For the office of the commissioner, including not more than one hundred and seventy positions		$5,665,764
	Division of Insurance.		
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 seventy-five positions		$5,800,000
	General Fund	65.0%	
	Highway Fund	35.0%	
9222-0199	For the expenses and administration of the board of appeal on motor vehicle liability policies and bonds, including not more than sixteen positions		$470,000
	Highway Fund	100.0%	
9222-1000	For the purposes of funding the costs incurred by the Pollution Liability Reinsurance Corporation created pursuant to chapter one hundred and seventy-five G of the General Laws, inserted by chapter six hundred and fifty of the acts of nineteen hundred and eighty-seven; provided that commencing no sooner than the second year of operation the amount expended by said corporation shall be fully reimbursed to 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		$400,000
	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-three positions		$4,312,435
9230-0150	For the expenses of the board of registration and discipline in medicine and the commit-		

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tee on acupuncture, including not more than fifty-six positions $2,164,269

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 fiscal year eighty-nine shall be made at a rate sufficient to produce not more than three million three hundred and ninety-seven thousand seven hundred and thirty-seven dollars, including not more than one hundred and nine positions $3,397,737

Transportation Division.

9272-0001 For the administration of the division, including not more than thirty-five positions $1,000,000
Highway Fund 100.0%

EXECUTIVE OFFICE OF ENERGY RESOURCES.

Notwithstanding any provisions of law to the contrary, the executive office of energy resources shall administer energy programs including, but not limited to the following: (1) an energy policy and data program, (2) a program to encourage energy 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.

9300-0003 For the administration of the office of energy resources, including not more than forty-seven positions $1,650,000

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 ap-

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	propriation 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 fourteen positions	$525,000
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 apartment conservation service program pursuant to section twelve of chapter twenty-five A of the General Laws, including not more than nine positions	$176,921
9300-0800 For	the advancement of photovoltaic research, productivity improvement, cell and module manufacturing and testing, including 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	$340,953

EXECUTIVE OFFICE OF LABOR.

9400-0100 For	the office of the secretary, including not more than thirteen positions	$480,000
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	$127,200
9400-0105 For	the establishment of a reserve to fund the expenses of item 9400-0102; provided, that no expenditures shall be made from this item until such time as the plan required by section seventy-seven of this act has been filed and a schedule of proposed expenditures has been approved by the house committee on ways and means; provided further, that funds from this item may be transferred to other items of appropriation within the executive office of labor	$127,200
9400-1700 For	the expenses of administering the industrial service program and economic stabilization trust as provided by chapter twenty-three D of the General Laws	252,000
9400-1711 For	the expenses of the reemployment assistance program as specified in section seventy-one D of chapter one hundred and fifty-one A of the General Laws	$1,592,428
9400-1712 For	the establishment of a reserve to fund the expenses of item 9400-1711; provided, that no ex-	

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penditures shall be made from this item until such time as the plan required by section seventy-seven of this act has been filed and a schedule of proposed expenditures has been approved by the house committee on ways and means; provided further, that funds from this item may be transferred to other items of appropriation within the executive office of labor $1,592,428

Department of Labor and Industries.

9410-0001 For the expenses of the department of labor and industries; provided, that for a program to evaluate the asbestos level in public schools and other public buildings, the division of occupational hygiene may employ staff which shall not be subject to chapter thirty-one of the General Laws; provided further, that no position in the division of apprentice training shall be subject to chapter thirty-one of the General Laws; and provided further, that not more than two hundred thousand dollars shall be expended for implementation of chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven, including not more than two hundred and one positions $6,471,627

Board of Conciliation and Arbitration.

9420-0100 For the expenses of the board of conciliation and arbitration, including not more than nineteen positions $677,938

9421-0100 For a joint labor-management committee, including not more than eight positions $458,072

Labor Relations Commission.

9430-0100 For the administration of the commission, including not more than twenty-eight positions $961,297

Department of Industrial Accidents.

9440-0200 For the administration of the department and the advisory council; provided, that the General Fund shall be reimbursed for monies appropriated under this account, with the exception of the costs associated with the department's backlog elimination project, so called, not to exceed seven hundred and seventy-five thousand dollars, 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 eighty-two positions $12,409,178

SECTION 2A.

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FEDERAL GRANTS.

Federal funds received in excess of the amount appropriated in this subsection shall be expended only in accordance with the provisions of section six B of chapter twenty-nine of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June thirtieth, nineteen hundred and eighty-eight, and not included as part of an appropriation item in this subsection, is hereby made available for expenditure during fiscal year nineteen hundred and eighty-nine, in addition to any amount appropriated in this subsection.

SECRETARY OF THE COMMONWEALTH.

Massachusetts Historical Commission.

Item		
0526-0105	For the purposes of a federally funded grant entitled, Massachusetts Historical Survey	$600,000
0526-0115	For the purposes of a federally funded grant entitled, Massachusetts Historical Preservation	$130,000

ATTORNEY GENERAL.

0810-6646	For the purposes of a federally funded grant entitled, Crime Victim Compensation	$211,000
0840-0110	For the purposes of a federally funded grant entitled, Crime Victim Assistance Program	$1,000,000

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	$264,788
1100-1523	For the purposes of a federally funded grant entitled, Economic Development Planning Assistance	$40,000
1100-1703	For the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities	$829,478
1100-1704	For the purposes of a federally funded grant entitled, Protection and Advocacy for Mentally ill Individuals	$163,819
1100-1710	For the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Council	$236,958

Office of Handicapped Affairs.

Item		
1107-2450 For	the purposes of a federally funded grant entitled, Client Assistance Program	$156,000

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	$120,000
1121-9719 For	the purposes of a federally funded grant entitled, Design Arts	$40,000
1121-9720 For	the purposes of a federally funded grant entitled, Folk Life and Ethnic Arts	$20,200

Massachusetts Commission Against Discrimination.

1150-5329 For	the purposes of a federally funded grant entitled, Fair Housing Assistance Program-Type II	$85,000
1150-5338 For	the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Type I	$260,000
1150-5339 For	the purposes of a federally funded grant entitled, Equal Employment Resolution Contract	$370,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0141 For	the purposes of a federally funded grant entitled, Coastal Zone Management Development	$1,300,000
2000-0144 For	the purposes of a federally funded grant entitled, Assessment of Sand Inside Plymouth Bay	$21,000
2000-9731 For	the purposes of a federally funded grant entitled, Marine Biota Analysis	$40,000
2030-9701 For	the purposes of a federally funded grant entitled, Outdoor Recreation Projects	$3,000,000

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

2100-9702 For	the purposes of a federally funded grant entitled, Recreation Assessment Administration	$70,000
2100-9709 For	the purposes of a federally funded grant entitled, Recreation Planning	$200,000
2120-9701 For	the purposes of a federally funded grant entitled, Rural Community Fire Protection Local Aid	$59,400
2120-9707 For	the purposes of a federally funded grant entitled, Urban and Community Forestry	$50,000
2120-9708 For	the purposes of a federally funded grant entitled, Improved Wood Utilization	$100,000
2121-9709 For	the purposes of a federally funded grant entitled, Forestry Planning	$4,000
2121-9710 For	the purposes of a federally funded grant entitled, Rural Fire Protection	$178,510
2130-9703 For	the purposes of a federally funded grant entitled, Washington Mountain Brook Watershed Project	$2,110,045

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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	$436,000

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.

2200-9704 For	the purposes of a federally funded grant entitled, Solid Waste Disposal-Conservation and Recovery	$1,475,000
2200-9705 For	the purposes of a federally funded grant entitled, Underground Water Source Protection	$58,200
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	$1,250,000
2200-9710 For	the purposes of a federally funded grant entitled, Cooperative Agreement for Buzzards Bay Assessment Studies	$100,000
2200-9711 For	the purposes of a federally funded grant entitled, Groveland Wells Superfund Site	$201,645
2200-9712 For	the purposes of a federally funded grant entitled, Leaking Underground Storage Tank Program	$149,245
2200-9713 For	the purposes of a federally funded grant entitled, Palmer Superfund Site	$843,000
2240-9707 For	the purposes of a federally funded grant entitled, Management of Construction Grants	$1,500,000
2240-9709 For	the purposes of a federally funded grant entitled, Clean Lakes Program	$1,025,000
2240-9710 For	the purposes of a federally funded grant entitled, Administration of the Construction Program	$3,300,000
2240-9712 For	the purposes of a federally funded grant entitled, Technical Assistance and Training	$40,000
2240-9714 For	the purposes of a federally funded grant entitled, EPA State Water Pollution Enforcement Assistance	$100,000
2240-9716 For	the purposes of a federally funded grant entitled, Water Pollution Investigations	$800,000
2250-9701 For	the purposes of a federally funded grant entitled, Public Water Supply Supervision	$413,800
2250-9710 For	the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program	$2,599,000

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	$25,000
2330-9709 For	the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development	$124,619
2330-9710 For	the purposes of a federally funded grant entitled, Cod Aging	$37,145
2330-9712 For	the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	$112,613
2330-9718 For	the purposes of a federally funded grant entitled, Striped Bass Landings	$63,000
2330-9719 For	the purposes of a federally funded grant entitled, Vessel Services Assessment	$51,526
2330-9721 For	the purposes of a federally funded grant entitled, Anadromous Fish Management	$55,500

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2330-9722 For	the purposes of a federally funded grant entitled, PCB Monitoring and Finfish Disease Research-Buzzards Bay	$20,000

Division of Environmental Law Enforcement.

2340-9701 For	the purposes of a federally funded grant entitled, Safe Boating Program	$960,000

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	$26,000

Division of Agricultural Development.

2516-9002 For	the purposes of a federally funded grant entitled, Development of Institutional Marketing	$90,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3722-9013 For	the purposes of a federally funded grant entitled, Existing Housing Allowance Program, Section 8	$50,500,000
3722-9014 For	the purposes of a federally funded grant entitled, Federal Housing Voucher Program	$6,000,000
3722-9019 For	the purposes of a federally funded grant entitled, Moderate Rehabilitation, Section 8	$15,000,000
3722-9020 For	the purposes of a federally funded grant entitled, New Construction, Section 8	$3,300,000
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 two million dollars accrued from economic development programs may be expended without further appropriation; provided further that no less than one hundred thousand dollars shall be provided to the town of Norwood for the purpose of community development and improvement in the south Norwood area as determined by the Norwood town meeting; provided that, consistent with applicable federal regulations and the state plan, the executive office of communities and development may provide monthly payments in advance to participating agencies	$20,448,953
3724-9009 For	the purposes of a federally funded grant entitled, Substantial Rehabilitation, Section 8	$1,700,000
3731-2045 For	the purposes of a federally funded grant entitled, Local Coordination of Youth Services	$110,000

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3743-2030 For	the purposes of a federally funded grant entitled, Low Income Weatherization Assistance Program; provided that, consistent with applicable federal regulations and the state plan, the executive office of communities and development may provide monthly payments in advance to participating agencies	$5,238,238
3743-2033 For	the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program; provided that, consistent with applicable federal regulations and the state plan, the executive office of communities and development may provide monthly payments in advance to participating agencies	$64,263,365
3743-2034 For	the purposes of a federally funded grant entitled, Community Services Block Grant; provided that, consistent with applicable federal regulations and the state plan, the executive office of communities and development may provide monthly payments in advance to participating agencies	$8,435,259
3743-2050 For	the purposes of a federally funded grant entitled, Emergency Community Services Homeless Program	$374,164

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	$824,000
4000-0805 For	the purposes of a federally funded grant entitled, Refugee Resettlement Program, Social Services	$2,560,026
4000-0806 For	the purposes of a federally funded grant entitled, Refugee Cash, Medical and Administration; provided, that federal funds received for said purposes not to exceed twenty-two million dollars shall be credited to this item; provided further, that any remaining balance in 4000-0802 of section two of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven shall be continued and transferred to this item	$22,000,000
4000-0807 For	the purposes of a federally funded grant entitled, State Legalization Impact Assistance; provided, that federal funds received for the purposes of said grant shall be credited to this item	$3,000,000
4000-9400 For	the purposes of a federally funded grant entitled, Alcohol, Drug Abuse, and Mental Health Block Grant	$18,658,000
4000-9700 For	the purposes of a federally funded grant entitled, Youth with Severe Handicaps - Transitional Rehabilitation	$150,000

Massachusetts Commission for the Blind.

Item		
4110-3020 For	the purposes of a federally funded grant entitled, Vocational Rehabilitation Basic Support Grant; provided, 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; and provided further, that no reimbursement received for such vocational rehabilitation closures shall be expended by the commission without approval of the secretary of human services and the secretary of administration and finance	$6,620,000
	Massachusetts Rehabilitation Commission.	
4120-0020 For	the purposes of a federally funded grant entitled, Vocational Rehabilitation	$28,500,000
4120-0171 For	the purposes of a federally funded grant entitled, Psychiatric Rehabilitation Training Program	$125,000
4120-0187 For	the purposes of a federally funded grant entitled, Supported Employment Program	$800,000
4120-0511 For	the purposes of a federally funded grant entitled, Determination of Disability	$20,000,000
4120-0760 For	the purposes of a federally funded grant entitled, Independent Living	$1,100,000
	Office for Children.	
4130-2088 For	the purposes of a federally funded grant entitled, Child Development Assistance	$24,000
	Commissioner of Veterans' Services.	
4170-0016 For	the purposes of a federally funded grant entitled, Homeless Veteran Identification Program	$35,000
	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 twenty-five million five hundred sixty-five thousand six hundred and fifty dollars shall be credited to this item	$25,565,650
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	$450,000
4407-9001 For	the purposes of a federally funded grant entitled, Work Incentive Demonstration Project	$6,000,000
4407-9050 For	the purposes of a federally funded grant entitled, Food Stamp Employment and Training	$12,000,000

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4407-9055	For the purposes of a federally funded grant entitled, Emergency Shelter	$950,000

DEPARTMENT OF PUBLIC HEALTH.

4500-1000	For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant; provided, that no less than one hundred and sixty-five thousand dollars be obligated for rape prevention and victim services; provided further, that not less than four hundred and fifty thousand dollars be obligated to the Emergency Medical Services regions of which not less than eighty thousand dollars shall be obligated to Region V	$2,514,464
4500-2000	For the purposes of a federally funded grant entitled, Maternal and Child Health Block Grant; provided that the department shall review and assess the process by which it allocates resources under this appropriation, this will involve the use of a needs assessment that clearly considers the magnitude, severity, and degree of risk for identified health problems within individual communities; and provided that a specific focus will be taken to support programs serving communities/neighborhoods with high rates of poverty	$9,995,809
4502-1012	For the purposes of a federally funded grant entitled, Maintenance of the Cooperative Health Statistics System in Massachusetts	$300,000
4510-0400	For the purposes of a federally funded grant entitled, Health Insurance-Medicare	$980,976
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	$22,600
4510-9039	For the purposes of a federally funded grant entitled, Model Statewide Cancer Control Program	$314,000
4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program	$138,004
4510-9041	For the purposes of a federally funded grant entitled, Public Health Model System for Blood Cholesterol Screening, Education, Referral and Follow-up	$176,137
4512-0102	For the purposes of a federally funded grant entitled, Venereal Disease Control	$220,000
4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project	$600,000
4513-9007	For the purposes of a federally funded grant entitled, Special Supplementary Food Program for Women, Infants and Children (WIC); provided that the department shall report quarterly to the joint committee on federal financial assistance on all expenditures from this item, including the numbers of participants in each program	$26,377,969
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	$16,622
4513-9018	For the purposes of a federally funded grant entitled, Augmentation and Evaluation of	

Item		
	Established Health Education/Risk Reduction Program	$1,400,000
4513-9020 For	the purposes of a federally funded grant entitled, Severe Pediatric Malnutrition	$264,500
4513-9021 For	the purposes of a federally funded grant entitled, Infants and Toddlers with Handicaps	$1,431,000
4515-0113 For	the purposes of a federally funded grant entitled, Health Program for Refugees	$277,350
4515-0115 For	the purposes of a federally funded grant entitled, Outreach Case Register Services for Tuberculosis	$139,297
4518-1000 For	the purposes of a federally funded grant entitled, National Death Index (NDI)	$20,000
4518-1001 For	the purposes of a federally funded grant entitled, National Linked Birth and Infant Death Data System	$15,000
4518-1002 For	the purposes of a federally funded grant entitled, Social Security Administration - Massachusetts Death File	$12,500
4518-9021 For	the purposes of a federally funded grant entitled, Capacity Building Occupational Safety and Health Program	$125,000

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	$147,057
4800-0007 For	the purposes of a federally funded grant entitled, Family Violence Prevention and Support	$164,060
4800-0009 For	the purposes of a federally funded grant entitled, Projects to Strengthen Traditional Families	$408,762
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	$2,724,054
4899-0005 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect, Prevention and Treatment	$280,691

DEPARTMENT OF MENTAL HEALTH.

5012-9108 For	the purposes of a federally funded grant entitled, State Human Resource Development Program	$142,492
5012-9110 For	the purposes of a federally funded grant entitled, Public Health Protection	$1,217,600
5012-9113 For	the purposes of a federally funded grant entitled, Mental Health Planning	$82,200
5021-9109 For	the purposes of a federally funded grant entitled, Community Support Program	$60,000
5047-9102 For	the purposes of a federally funded grant entitled, Community Social Human Services	$137,863
5897-9104 For	the purposes of a federally funded grant entitled, Health Services for the Elderly	$12,000

EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.

Item		
	Office of the Secretary.	
6000-0180 For	the purposes of a federally funded grant entitled, Statewide Assistance Rural Public Transportation	$1,360,000
6000-9923 For	the purposes of a federally funded grant entitled, UMTA Technical Studies	$113,000
6000-9949 For	the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation	$912,970
6000-9953 For	the purposes of a federally funded grant entitled, Berkshire County Lines Project	$1,000,000
6000-9954 For	the purposes of a federally funded grant entitled, Local Rail Service Assistance-Planning	$50,000
	Massachusetts Aeronautics Commission.	
6006-0042 For	the purposes of a federally funded grant entitled, Massachusetts Airport System Plan	$75,000
	EDUCATION.	
	Libraries.	
7000-9703 For	the purposes of a federally funded grant entitled, Interlibrary Cooperation Title III	$428,058
7000-9705 For	the purposes of a federally funded grant entitled, Library Services-Title I	$2,634,716
7000-9707 For	the purposes of a federally funded grant entitled, Public Library Construction-Title II	$554,754
	DEPARTMENT OF EDUCATION.	
	Board of Education and Commissioner's Office.	
7010-0013 For	the purposes of a federally funded grant entitled, Race Desegregation Assistance Administration	$180,000
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	$226,000
7010-9728 For	the purposes of a federally funded grant entitled, Sex Desegregation Assistance	$240,000
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	$2,200,000
	Division of Occupational Education.	
7027-9116 For	the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act - Distribution	$20,000,000

Item		
7027-9126 For	the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act - Administration	$2,500,000
	Division of Special Education.	
7028-0601 For	the purposes of a federally funded grant entitled, Education for the Handicapped - Administration	$2,100,000
7028-0816 For	the purposes of a federally funded grant entitled, State-Operated Program for the Handicapped	$10,000,000
	Division of Curriculum and Instruction.	
7030-0191 For	the purposes of a federally funded grant entitled, Coordination of Bilingual Education	$116,000
7030-9736 For	the purposes of a federally funded grant entitled, Chapter II, Education Consolidation and Improvement Act of 1981 - Block Grant - Distribution	$8,500,000
7030-9756 For	the purposes of a federally funded grant entitled, EESA, Title II, Math and Science	$1,000,000
7032-0207 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Administration	$18,400
7032-0217 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Distribution	$165,500
7032-0227 For	the purposes of a federally funded grant entitled, Drug Free Schools	$2,400,000
7032-0228 For	the purposes of a federally funded grant entitled, AIDS Education	$125,000
7032-0402 For	the purposes of a federally funded grant entitled, Educationally Deprived Children - Administration	$865,000
7035-0013 For	the purposes of a federally funded grant entitled, Education of the Handicapped - Discretionary Funds	$3,000,000
7035-0116 For	the purposes of a federally funded grant entitled, Educationally Deprived Children - Distribution	$82,000,000
7035-0126 For	the purposes of a federally funded grant entitled, Children in Institutions	$460,000
7035-0136 For	the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions	$120,000
7035-0146 For	the purposes of a federally funded grant entitled, Children of Migratory Workers	$6,000,000
7035-0158 For	the purposes of a federally funded grant entitled, Homeless Child Education	$89,098
7035-0316 For	the purposes of a federally funded grant entitled, Education of the Handicapped	$36,900,000
7035-0713 For	the purposes of a federally funded grant entitled, Early Childhood Incentive - Administration	$300,000
7035-0716 For	the purposes of a federally funded grant entitled, Early Childhood Incentive - Distribution	$4,500,000
7035-0718 For	the purposes of a federally funded grant entitled, Early Childhood Incentive - Discretionary	$1,500,000

Item		
7038-0002 For	the purposes of a federally funded grant entitled, Adult Basic Education-Administration	$190,000
7038-0106 For	the purposes of a federally funded grant entitled, Adult Basic Education-Distribution	$2,000,000
7038-9721 For	the purposes of a federally funded grant entitled, Transitional Refugee Program - Administration	$11,000
7038-9724 For	the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance - Administration	$14,000
7038-9736 For	the purposes of a federally funded grant entitled, Transitional Refugee Program - Distribution of Funds	$1,100,000
7038-9746 For	the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance - Distribution	$860,000
7053-2105 For	the purposes of a federally funded grant entitled, Cash in Lieu of Commodities	$450,000
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	$10,000,000
7053-2117 For	the purposes of a federally funded grant entitled, Child Care Food Program	$20,000,000
7053-2118 For	the purposes of a federally funded grant entitled, Nutrition Education	$110,000
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	$1,530,000

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	$150,000

Committee on Criminal Justice.

8600-0002 For	the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning	$81,793
8600-0003 For	the purposes of a federally funded grant entitled, Juvenile Justice, Delinquency and Prevention	$8,169,365

Civil Defense Agency.

Item		
8800-0003 For	the purposes of a federally funded grant entitled, Emergency Management Assistance - State	$602,420
8800-0004 For	the purposes of a federally funded grant entitled, Emergency Management Assistance - Cities and Towns	$532,673
8800-0005 For	the purposes of a federally funded grant entitled, Disaster Preparedness Improvement	$24,630
8800-0006 For	the purposes of a federally funded grant entitled, Radiological Systems Maintenance	$149,223
8800-0007 For	the purposes of a federally funded grant entitled, Radiological Defense Officer	$61,858
8800-0008 For	the purposes of a federally funded grant entitled, Population Protection Planning	$215,328
8800-0009 For	the purposes of a federally funded grant entitled, Emergency Management Training	$109,978
8800-0010 For	the purposes of a federally funded grant entitled, Earthquake Preparedness	$132,362
8800-0011 For	the purposes of a federally funded grant entitled, Facility Surveys	$61,471
8800-0014 For	the purposes of a federally funded grant entitled, State and Local Emergency Operating Centers	$7,775

Governor's Highway Safety Bureau.

8850-0002 For	the purposes of a federally funded grant entitled, Distribution to Cities and Towns	$375,000
8850-0003 For	the purposes of a federally funded grant entitled, Planning and Administration	$205,000
8850-0004 For	the purposes of a federally funded grant entitled, State Agency Programs	$1,920,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

9000-1621 For	the purposes of a federally funded grant entitled, Job Training and Partnership Act	$54,234,177

Division of Employment Security.

9081-0100 For	the purposes of a federally funded grant entitled, Administration	$56,802,632
9089-1000 For	the purposes of a federally funded grant entitled, Trade Expansion Act Program	$4,000,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1074 For	the purposes of a federally funded grant entitled, Title III-B, Nursing Home/Social Services	$10,976,477
9110-1173 For	the purposes of a federally funded grant entitled, Title III-C, Nutrition	$10,005,000
9110-1178 For	the purposes of a federally funded grant entitled, Community Service Employment Program	$1,542,821
9110-1181 For	the purposes of a federally funded grant entitled, Cash in Lieu of Commodities Program	$3,100,000

Item		
	EXECUTIVE OFFICE OF ENERGY RESOURCES.	
	Energy Facilities Siting Council.	
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
9300-9757 For	the purposes of a federally funded grant entitled, Northeast Regional Biomass Program	$30,000
9300-9764 For	the purposes of a federally funded grant entitled, Photovoltaic Training and Evaluation	$293,000
	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	$68,157
9411-4203 For	the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey	$87,000
9411-9701 For	the purposes of a federally funded grant entitled, OSHA Onsite Consultation Program	$700,000

SECTION 2B.

PRIOR APPROPRIATIONS CONTINUED.

For the purpose of making available in the fiscal year nineteen hundred and eighty-nine certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-eight, the unexpended balances of the items listed below, not to exceed the amount specified below for each item, are hereby reappropriated for the fiscal year nineteen hundred and eighty-nine. Amounts in this subsection are reappropriated for the purposes of and subject to the conditions stated for the corresponding item in section two of this act; provided, however, that for items not appearing in said section two, the amounts in this subsection are reappropriated for the purposes of and subject to conditions stated for said items in prior appropriation acts. Amounts in this subsection are reappropriated from the fund or funds designated for said corresponding item in said section; provided, however, that for items not appearing in said section two, the amounts in this subsection are reappropriated from the fund or funds designated for said items in prior appropriation acts.

LEGISLATURE.

Item	
0131-0000	149,700
0132-0000	262,925
0135-0000	13,750
0143-0001	48,000
0147-0000	81,425
0161-1000	542,750
0164-0010	109,140
0165-0000	21,200
0185-7209	13,950
0185-7509	75,950
0185-7801	77,540
0185-7803	28,815
0185-7804	14,755
0185-7810	7,100
0185-7814	109,700
0185-7815	70,190
0185-7819	42,780
0185-7820	11,130
0185-7821	23,730
0185-7822	35,040
0185-7823	40,800
0185-7824	12,475
0185-7826	140,125
0185-7827	143,025
0185-7828	24,110
0185-7830	23,045
0185-7831	64,900
0185-7834	48,900
0185-7835	77,415
0185-7838	17,360
0185-7840	53,820
0185-7842	100,000
0185-7843	10,700
0185-7844	39,815
0185-7845	50,500
0185-7846	15,050

Item	
0185-7848	50,000
0185-7851	211,300
0185-7852	5,000
0185-7853	50,000
0185-7854	50,000
0185-7855	30,000
0185-7856	50,000
0185-7857	50,000
0185-7858	100,000
0185-7860	50,000
0185-7861	29,350

SUPREME JUDICIAL COURT.

0320-0003	300,000

TRIAL COURT.

0330-3000	500,000
0337-0002	600,000

SECRETARY OF THE COMMONWEALTH.

0511-0000	60,000
0521-0000	100,000
0526-0900	1,200,000
0530-0100	25,000

OFFICE OF THE TREASURER.

0610-0000	50,000
0612-0100	10,000

STATE AUDITOR 'S OFFICE.

0710-0000	70,000

Item	
ATTORNEY GENERAL.	
0810-0000	700,000
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
1100-9510	1,200,000
1108-3602	1,090,000
1108-3603	400,000
1108-3606	65,000
1121-0120	200,000
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
Secretary's Office.	
2000-0250	60,000
2050-0200	60,000
Department of Environmental Management.	
2120-0301	25,000
2150-0512	348,000
Department of Environmental Quality Engineering.	
2200-0300	200,000
2200-0305	200,000
2250-0908	3,978
2250-0909	60,000
2250-0913	100,000
Department of Fisheries, Wildlife, and Environmental Law Enforcement.	

Item		
	2310-0300	42,000
	Metropolitan District Commission.	
	2410-9061	463,938
	2444-9001	500,000
	Department of Food and Agriculture.	
	2518-1000	100,000
	EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.	
	3722-9060	1,200,000
	EXECUTIVE OFFICE OF HUMAN SERVICES.	
	Department of Public Health.	
	4510-0102	200,000
	4513-1007	50,000
	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.	
	6001-3625	3,300,000
	6001-3626	602,000
	6010-0050	40,000
	6030-7403	248,761
	6030-7411	20,000
	6030-7601	750,000
	DEPARTMENT OF EDUCATION.	
	7010-0008	235,000
	7030-7000	50,000
	7061-1000	3,914,447

Item		
	7061-3000	3,200,000
	7061-4050	6,460,000

BOARD OF REGENTS.

	7070-0031	500,000
	7100-0110	500,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

	8200-0200	90,000

SECTION 2C.

RETAINED REVENUE

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 not to exceed those specified herein, derived from fees, services or sales of materials as provided herein and to expend such revenues in amounts specified, for the purposes and under the conditions provided without further appropriation but subject to approval by the state comptroller; provided that, unless otherwise provided, said revenues shall not be expended for the compensation of employees; and provided further, that any revenues received by the following named departments, commissions, and agencies in excess of the amounts authorized to be retained herein shall be credited to the General Fund.

Any remaining balances at the end of fiscal year nineteen hundred and eighty-eight 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-nine.

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, chapter two hundred of the acts of nineteen hundred and eighty-five, section seventeen of chapter twenty-five of the General Laws, or section forty-seven of chapter ninety-four C of the General Laws, to expend certain revenues without

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further appropriation shall file within thirty days after the end of each quarter with the house and senate committees on ways and means and the commissioner of administration and finance a report detailing the sources and amounts of all such revenues and the purposes and amounts of all expenditures therefrom.

EXECUTIVE.

Military - State Quartermaster.

0431-1140 The state quartermaster may expend revenues in an amount not to exceed four hundred thousand dollars accrued from 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 $400,000

SECRETARY OF THE COMMONWEALTH.

0517-1000 The secretary of state may expend revenues in an amount not to exceed nine 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 $900,000

TREASURER AND RECEIVER-GENERAL.

State Board of Retirement.

0612-1010 The state board of retirement may expend revenues 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 $10,000,000

Arts Lottery Council.

0640-2003 Notwithstanding the provisions of any general or special law to the contrary, the arts lottery council may expend an amount not to exceed five million dollars, including those amounts provided pursuant to section thirty-five B of chapter ten of the General Laws, which the state comptroller is hereby directed to transfer from the State Arts Lottery Fund to the Local Aid

Item

Fund, for distribution 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, arts and humanities and the house and senate committees on ways and means; provided further that at the first semi-annual distribution thirty thousand dollars shall be utilized for the purpose of a study evaluating the effectiveness of the Performing Arts Student Series $5,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Mediation Services.

1100-1103 The commissioner of administration may expend, for the operations of the office of mediation services within the executive office for administration and finance, including the cost of personnel for said office, an amount not to exceed one hundred thousand dollars of revenues accrued from charges, hereby authorized, to agencies, cities, towns and other political subdivisions of the commonwealth by said office of mediation services for the costs of mediation services provided to such entities by said office of mediation services $100,000

Office of Management Information Systems.

1101-2310 The office of management information systems may expend for the purchase or lease of data processing and data communication goods and services for the bureau of computer services data center and data communications network an amount not to exceed one million five hundred thousand dollars of revenues received by the commissioner of administration from charges to agencies, pursuant to section twenty-eight of this act, for the cost of computer resources and services provided by the bureau of computer services $1,500,000

Department of Capital Planning and Operations -

State Transportation Building.

1102-3214 The division of capital planning and operations may expend revenues in an amount not to exceed

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seven million five hundred thousand dollars from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building, for expenses for the maintenance and operation of said building; provided, that the building manager selected by the division of capital planning and operations shall make such expenditures on behalf of said division; provided further, that notwithstanding any other provision of this section to the contrary, any remaining balance of the amount available to said building manager at the end of fiscal year nineteen hundred and eighty-eight shall not revert to the commonwealth and shall be available to said building manager for the purposes provided in section twenty-five of this act during the fiscal year nineteen hundred and eighty-nine $7,500,000

State Purchasing Agent - Micrographics.

1102-4028 The state purchasing agent may expend an amount not to exceed two hundred thousand dollars of revenues received by the commissioner of administration from charges to be assessed by the commissioner to other agencies for the cost of micrographics production services rendered by the executive office for administration and finance, for incidental expenses and liabilities incurred for the purchase of micrographic supplies and equipment $200,000

Office of Telecommunications.

1102-4055 The commissioner of administration may expend for incidental expenses and liabilities incurred for the purchase or rental of telecommunication lines, services and equipment an amount not to exceed one million dollars of revenues from charges to be assessed by the commissioner to other items of appropriation of costs necessary to allocate fairly the costs of certain telecommunication lines, services, and equipment that are centrally billed to the commonwealth $1,000,000

Motor Vehicle Management Bureau.

1102-5215 The motor vehicle management bureau may expend an amount not to exceed two hundred thousand dollars from revenues received by the commonwealth from the disposal of surplus motor vehicles, from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the repair and replacement of motor vehicles $200,000

1102-5216 The motor vehicle management bureau may 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, for the purchase of motor vehicles. No expenditures shall be made under this section without the prior approval of the

Item		
	commissioner of administration	$800,000
	Division of Capital Planning and Operations -	
	Springfield State Office Building.	
1102-5231	The division of capital planning and operations may expend revenues in an amount not to exceed three hundred seventy-three thousand four hundred dollars accrued from rents charged to agencies occupying the Springfield state office building, for all necessary expenses for the maintenance and operation of said building, pursuant to the provisions of section twenty-six of this act	$373,400
	Comptroller's Division.	
1103-1000	The state comptroller may expend revenues in an amount not to exceed two hundred thousand dollars from allocated federal funds transferred from federal reimbursement and grant receipts pursuant to line item 1103-1000 of section two of this act, for the cost of compliance with the mandate of the federal law and office of management and budget regulations for a comprehensive, statewide single audit of state operations	$200,000
	State Purchasing Agent - State Surplus Property.	
1104-1091	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	$50,000
	State Purchasing Agent - Printing.	
1104-6602	The state purchasing agent may expend an amount not to exceed two hundred and fifty thousand dollars of revenues received by the commissioner of administration from charges to be assessed by the commissioner to 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, for incidental expenses and liabilities incurred for the purchase or lease of printing and graphic art supplies and equipment	$250,000

Item

Department of Personnel Administration -

Employment Collaborative.

1108-1001 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 $150,000

Department of Personnel Administration - Training.

1108-1213 The department of personnel administration may expend an amount not to exceed one million two hundred fifty thousand dollars from fees charged to participants enrolled in programs sponsored by the department, or to state agencies employing said participants, for the costs of goods and services rendered in administering said training programs $1,000,000

Department of Personnel Administration - Examinations.

1108-1214 The department of personnel administration may expend revenues in an amount not to exceed four hundred 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 and maintaining the effectiveness and efficiency of the civil service examination program $400,000

Group Insurance Commission.

1108-5300 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; provided that, notwithstanding any other provisions of this section, any remaining balance at the end of fiscal year nineteen hundred and eighty-eight of the amounts available to be expended without further appropriation shall not revert to the General Fund, but shall be available for the purposes provided herein during fiscal year nineteen hundred and eighty-nine; provided, that no funds from this item shall be expended for payment of abortions not necessary to prevent the death of the mother $4,000,000

Division of Public Employees

Item

Retirement Administration - Workers' Compensation.

1108-6200 The division of public employee retirement administration may expend an amount not to exceed five million dollars of revenue accrued from charges to agencies authorized in section thirty-one of this act, for hospital, physician, benefits and other costs as provided by said section thirty-one $5,000,000

Appellate Tax Board.

1310-2000 The appellate tax board may expend all revenues in an amount not to exceed one hundred thousand dollars derived from the sale of official transcripts of hearings for the personal services and expenses of the board $100,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Executive Office - Data Processing Services.

2001-1001 The secretary of environmental affairs may expend an amount not exceeding one 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 $100,000

Department of Environmental Management.

2120-0810 The department of environmental management may expend thirty-five per cent of the quarterly 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 commissioner of administration and finance and house and senate committees on ways and means on or before December first, nineteen hundred and eighty-eight $2,500,000

Item

Department of Fisheries, Wildlife and Environmental

Law Enforcement - Publications.

2310-0312 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, at rates subject to the approval of the commissioner of administration and finance, 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 $200,000

Department of Fisheries, Wildlife and Environmental

Law Enforcement - Shellfish.

2330-1001 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 $75,000

Metropolitan District Commission.

2440-0012 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 $1,000,000

2443-0001 The metropolitan district commission shall retain and may expend one hundred per cent of revenues accrued from admission fees, contributions or donations, and concessions charged at

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	the Franklin Park Zoo and the Walter D. Stone Memorial Zoo for the operation and maintenance of said zoological parks, including materials, supplies, equipment and promotional activities, provided that such expenditures shall not to exceed five hundred thousand dollars and shall be subject to the approval of the secretary of environmental affairs	$500,000

Department of Food and Agriculture.

2518-3001 2518-4001 2518-5001 2518-6001	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 of food and agriculture 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	$1,600,000

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EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Department of Community Affairs - TELLER Program.

3722-9315 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 $500,000

Department of Community Affairs.

3722-9316 The executive office of communities and development may expend revenues in an amount not to exceed one hundred thousand dollars accrued from fees collected pursuant to Executive Order No. 271, pertaining to the allocation of low-income housing tax credits, for the costs of implementing said executive order, including the costs of personnel, subject to the approval of the secretary of the executive office of communities and development and the state comptroller $100,000

Neighborhood Housing Services.

3722-9317 The executive office of communities and development may expend an amount not to exceed two hundred thousand dollars from revenues accrued from the return of neighborhood housing services corporation loan repayment funds, not otherwise reloaned by such corporations within a subsequent twelve-month period, for allocation to other neighborhood service corporations with loan obligations sufficient to require additional funds for the purposes authorized in item 3722-9001 of section two of this act $200,000

Division of Community Services.

3724-3037 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

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Act of 1981" or any amendments or successor acts thereto $3,000,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Office of the Secretary -- Receivership Settlements.

4000-0750 The executive office of human services may expend for patient care all revenues in an amount not to exceed one million dollars 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 and the commissioner of administration 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; said secretary is hereby authorized to request increases in the amount authorized for retention, on account of unanticipated extraordinary receivership settlements $1,000,000

RATE SETTING COMMISSION.

4100-0010 The rate setting commission may expend revenues in an amount not to exceed five million nine hundred thousand dollars from monies received by the commission pursuant to section sixty-five of chapter six A of the General Laws; provided that revenues collected by the commission can be used for all commission related costs including "01" and "02" personnel costs, capital expenditures and motor vehicle replacement $5,900,000

Commission For the Blind - Industrial Aid and Workshops.

4110-4015 The bureau of industrial aid and workshops may expend all revenues, in an amount not
4110-4035 to exceed one million five hundred 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 $1,500,000

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Soldiers' Home in Massachusetts.

4180-1100 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 two hundred and fifty-five thousand dollars, 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-nine, 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 $255,000

Soldiers' Home in Holyoke.

4190-0200 The Soldiers' Home in Holyoke may expend three per cent of the revenues collected, up to a maximum of one hundred twenty thousand dollars, 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-nine, 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 $120,000

Department of Correction - Industries and Farm Products.

4311-0007 The department of correction may expend revenues in an amount not to exceed ten million dollars
4311-7001 accrued through its program of selling correctional industries products and services and an amount not to exceed four 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 $14,000,000

Department of Public Welfare - Medical Assistance Program.

4402-5000 The department of welfare may expend an amount not to exceed forty 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 $40,000,000

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Department of Public Welfare - AFDC.

4403-2013 The department of public welfare may expend an amount not to exceed eighty 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 $80,000,000

Department of Public Health - Lead Paint Inspection.

4510-0600 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, said commissioner may expend revenues in an amount not to exceed three hundred thousand dollars accrued through the licensing and certification of lead paint inspectors and trainers, the imposition of fines on inspectors for violations, the processing and analysis of environmental samples at the state laboratory, and the preparation and distribution of sodium sulfide, for the purposes of implementing chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven $310,000

Department of Public Health - Compulsive

Gambler's Treatment Program.

4512-0225 The commissioner of the department of public health may expend an amount not to exceed five hundred 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 $500,000

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Department of Public Health - State Laboratory Institute.

4516-0101 The state laboratory institute may expend revenues in an amount not to exceed three hundred thousand dollars accrued through the program at the institute of laboratories of selling biological projects and performing various laboratory tests, subject to approval of the commissioner of public health for the purposes of the center for laboratory and communicable disease control services $300,000

Department of Public Health Hospitals.

4591-0100 Lakeville, Rutland heights and western Massachusetts hospitals within the department of public
4592-0100 health may expend an amount not to exceed twenty-six million dollars from all revenues
4593-0100 collected subject to the approval of the commissioner of public health. Revenues collected
4594-0100 by Lakeville, Rutland heights and western Massachusetts hospitals can be used for all hospital
4596-0100 related costs including "01" and "02" personnel costs, capital expenditures and motor vehicle
4597-0100 replacement. Notwithstanding any general or special law to the contrary, Rutland heights and
4599-0100 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, Lakeville hospital will be eligible to receive the state and federal share of reimbursement from the medical assistance program of the department of public welfare and the commission for the blind provided that revenues collected by Lakeville hospital exceed two million seven hundred thousand dollars. 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 Lakeville hospital, Rutland heights hospital and western Massachusetts hospital, revenues collected by said hospitals to the extent that such revenues exceed twenty-nine million one hundred ninety-seven thousand two hundred and twenty-seven dollars and to the extent that such revenues from said hospitals do not exceed thirty-one million nine hundred and sixty thousand dollars $28,762,773

Department of Social Services - SSI/SSA Benefits.

4800-0035 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

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allocated to and expended during fiscal year nineteen hundred and eighty-nine 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-nine for the purpose 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 $5,000,000

Department of Social Services - Title IV-E Reimbursement.

4800-0210 The commissioner of the department of social services may expend revenues collected pursuant to Title IV-E of the Social Security Act, in an amount not exceeding six million dollars, for the provision of direct social services $6,000,000

Department of Social Services - Sliding Fee Revenues.

4800-0410 The commissioner of the department of social services may expend revenues collected from the establishment of a sliding fee scale for service, in an amount not to exceed one hundred and fifty thousand dollars, for the provision of direct social services $150,000

Department of Social Service - Data Collection.

4800-0025 The department of social services is authorized to receive and expend revenues in an amount not to exceed one hundred twenty-five thousand dollars from contracts for the performance by the department of data collection, analysis and research; provided that under any such contract the department shall be compensated by the contracting party for all direct and indirect costs incurred on account of the contract; provided further, that twenty-five per cent of the amount received under any such contract shall be transferred to the General Fund to reimburse for fringe benefit costs and other non-departmental overhead costs; and provided further, that revenues retained by the department shall be expended solely for the purposes of data collection, analysis, service evaluation, and the administrative support and other indirect costs thereof $125,000

Department of Social Services -

New Chardon Street Home for Women.

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4896-0500 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 $100,000

Department of Mental Health.

5047-0100 The commissioner of mental health may expend for adolescent mental health services revenues in an amount not to exceed three million five hundred thousand dollars generated from the adolescent acute and specialized acute units at Westborough, Taunton, and Metropolitan State Hospitals and the Corrigan ED/MR unit $3,500,000

Department of Mental Health Hospitals.

5199-0100 The hospitals within the department of mental health, including Gaebler Children's Center, may
5299-0100 expend for patient care fifteen per cent of the revenues generated from the collection of rev-
5399-0100 enue in an amount not to exceed two million five hundred thousand dollars, subject to the ap-
5498-0100 proval of the commissioner of mental health. For the purposes of this section, revenue shall
5499-0100 not include any monies collected as retroactive recoveries for prior year's services pursuant
5599-0100 to Title XVIII and Title XIX of the Social Security Act; provided however, that revenues col-
5898-0100 lected pursuant to said Title XVIII and Title XIX for services rendered in the fourth quar-
5899-0100 ter of the fiscal year ending June thirtieth, nineteen hundred and eighty-eight shall not be considered to be retroactive recoveries $2,500,000

5948-1000 The department of mental retardation may expend not more than two hundred thousand dollars of revenues accrued from rents charged to agencies operating programs in community-based intermediate care facilities for the mentally retarded owned by the commonwealth, for the costs of maintenance and repair of such facilities $200,000

5982-1000 The department of mental retardation may expend revenue in an amount not to exceed forty thousand dollars accrued through a program of selling milk and livestock subject to the approval of the commissioner of the department of mental retardation for the support of the respective programs including costs of material, supplies, equipment, and the maintenance of the facility $40,000

BOARD OF REGENTS.

7100-1111 Notwithstanding the provisions of any general or special law to the contrary, the boards of trustees

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of each public institution of higher education shall retain and may expend, for the administration and maintenance of each such public institution, in an amount not to exceed in the aggregate twelve million dollars, revenues for a one year pilot program in tuition retention which are attributable solely to an increase in the authorized tuition rates approved by the board of regents in fiscal year nineteen hundred and eighty-nine over the rates in existence in fiscal year nineteen hundred and eighty-eight; provided that, said funds shall be retained and expended from tuition retention accounts and shall be subject to regulations adopted by the board of regents; provided further, that said regulations shall establish the maximum amount of revenues to be retained by each public higher education institution which, in the aggregate, shall not exceed said twelve million dollars; provided further, that pursuant to said regulations, each college or university shall prepare a spending plan for such funds; provided further, that all revenues credited to and all expenditures from these accounts shall be subject to annual audit by the board of regents $12,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Division of State Police - State Police Overtime.

8312-0100 The commissioner of public safety may expend an amount not to exceed one million dollars of revenues accrued from charges to 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, for the costs of such overtime payments $1,000,000

Division of Inspection and Regulation.

8315-6001 The commission of public safety may expend an amount not to exceed thirty thousand dollars from revenues accrued from charges for elevator inspections performed during overtime hours; provided, that fees be determined by the commissioner of administration; provided further, that the fee be not less than one hundred dollars $30,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9100-0100 The department of elder affairs may expend not more than five million eight hundred thousand

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9110-1630 dollars, in the aggregate, of Medicaid waiver revenues received by the department; provided,
9110-1631 that not more than sixty thousand three hundred and sixty-four dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-nine through item 9100-0100 of section two of this act; provided, that such revenues may not be expended for the compensation of employees; provided further, that not more than five million seventy-nine thousand six hundred thirty-six dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-nine through item 9110-1630 of section two of this act; and provided further, that not more than six hundred sixty thousand dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-nine through item 9110-1631 of section two of this act $5,800,000

Office of the Secretary - Home Care/Respite Care.

9110-1630 The department of elder affairs may expend an amount 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; provided, that not more than three hundred ninety-seven thousand eight hundred seventy-two dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-nine through items 9110-1631 of section two of this act; provided further, that not more than eight hundred ninety-eight thousand one hundred twenty-eight dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-nine through item 9110-1630 of section two of this act; and provided further, that 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-nine with the commissioner of administration and the house and senate committees on ways and means the amounts generated from the collection of fees from the above programs, the amounts expended in accordance therewith, and the number of persons served in each program $2,000,000

EXECUTIVE OFFICE OF LABOR.

Department of Labor and Industries.

9410-0101 The commissioner of the department of labor and industries may expend revenues in an amount not to exceed three hundred and fifty thousand dollars accrued through the licensing and certification of deleaders (including key persons and supervisors) for the purpose of

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	implementing chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven	$350,000
9410-0103 The	executive office of labor may expend for the purpose of conducting a program of recruitment and training for women in construction revenues in an amount not to exceed one hundred thousand dollars accrued from fees charged by the division of capital planning and operations and by the department of public works for the certification of bidders for state capital construction projects, said fees to be determined by the secretary of administration and finance pursuant to section three B of chapter seven of the General Laws	$100,000

SECTION 2D.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

Item		
1102-7890 For (1101-9883)	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; to be in addition to the amount appropriated in item 1102-9883 of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven	$22,000,000
1102-7891 For (1102-9837)	certain repairs and alterations to the Springfield state office building, formerly the federal building and courthouse at 436 Dwight Street, including but not limited to utility improvements, sitework, demolition, parking facility improvements, and the cost of furnishings and equipment; to be in addition to the amount appropriated in item 1102-9837 of chapter six hundred and fifty-nine of the acts of nineteen hundred and eighty-two	$10,600,000
1102-7892 To	cover unexpected contingencies in the cost of certain projects authorized under the provisions of this act, other than the acquisition of land; provided, that in no event shall the cumulative amount allocated from this account to any one capital project exceed ten percentum of the total cost specified by the appropriation or authorization for that project	$3,000,000

EXECUTIVE OFFICE FOR ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

Item		
2100-7890 For	a program of detailed groundwater appraisals, aquifer assessments and related geologic and hydrological studies as may be required for the protection of existing sources of groundwatersupply and for the identification of new groundwater sources, pursuant to section eight A of chapter twenty-one of the General Laws; to be in addition to the amount appropriated in chapter eight hundred of the acts of nineteen hundred and seventy-nine; provided, however, that no funds shall be expended for these purposes unless an equal amount is made available by the United States Geological Survey	$2,500,000
2120-7890 For	a water tower grant to the town of Wilmington	$700,000
2120-7891 For	a grant to the city of New Bedford for improvements and repairs to Pulaski Park and Brooklawn Park	$240,000
2120-8845 For	the construction of a visitor's center at Borderland State Park	$400,000

Department of Environmental Quality Engineering.

2200-7890 For (2681-8751)	the mapping, inventory and selection of wetlands for the wetlands restriction program, and for the placing of deed restrictions on environmentally-sensitive wetlands, including the costs of survey, mapping and wetlands specialists, services, site inspections, planning, legal services, graphics services, data systems design and records management services and for digitization of restriction maps and entry into GIS; to be in addition to the amount appropriated in item 2681-8751 of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four. A portion of the funds provided in this section may be used for related costs, subject to the prior approval of the secretary for administration and finance	$2,500,000
2200-7892 For	a water supply expansion project for the town of Rockport	$100,000

Metropolitan District Commission.

2440-7890 For	studies and the preparation of plans, if necessary, and for repairs and renovations of metropolitan police department stations, including but not limited to the Lower Basin station in Boston and the Old Colony station in Boston	$8,850,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Soldiers' Home in Massachusetts, Chelsea.

4180-7891 For	a study and the preparation of plans, if necessary, and for repairs, renovations and improvements, including but not limited to elevator improvements, roof repairs, security sys-	

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	tems, masonry work and general improvements to physical space	$1,200,000
	Department of Mental Retardation.	
	Charles V. Hogan Regional Center.	
5911-7890 For (5377-7871)	the renovation of the adult and/or adolescent units, including the cost of furnishings and equipment; provided, that any expenditure from this item shall be contingent upon the prior approval and assurance of the secretary of human services that not less than the maximum 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; to be in addition to the amount appropriated in item 5377-7871 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$2,100,000
5911 7891 For	a study and the preparation of plans for the replacement or renovation of the Colton Infirmary	$956,000
	BOARD OF REGENTS.	
	Bridgewater State College.	
7109 7890 For	a study and the preparation of plans for repairs and renovations to the science building and Tillinghast Hall	$500,000
7109 7893 For	a study and the preparation of plans and renovation of Boyden Hall, including the cost of furnishings and equipment and, in addition, for a study and the preparation of plans and construction for the repair and renovation of the Grove Street building, including the cost of furnishings and equipment	$3,216,000
	Fitchburg State College.	
7110 7891 For	the preparation of plans and construction to repair and renovate Miller Hall and Percival Hall, including the cost of furnishings and equipment	$5,100,000
	Framingham State College.	
7111-7890 For	a study and the preparation of plans for the renovation of Crocker Hall	$270,000
7111 7891 For	a study and the preparation of plans and for the repair and renovation of the Ecumenical Center building	$750,000

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	North Adams State College.	
7113-7890 For	a study and the preparation of plans for repairs and renovation to the Freel Library, and an expansion to said library	$900,000
	Salem State College.	
7114-7890 For	a study and the preparation of plans for repair and renovation of the Sullivan building	$300,000
7114-7892 For (7114-7871)	a study and the preparation of plans and for certain repairs and renovations of the administration building complex, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 7114-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$3,700,000
	Westfield State College.	
7115-7892 For	the preparation of plans and construction to renovate the former boiler plant for use as a central services facility, including the cost of furnishings and equipment	$510,000
	Worcester State College.	
7116-7893 For	a study and the preparation for plans and construction for repairs and renovations for the physical education and classroom complex, including the cost of furnishings and equipment	$200,000
	University of Lowell.	
7220-7895 For	a study and the preparation of plans for the renovation and expansion of the library building on the north campus	$1,500,000
7220-7896 For (7220-8803)	a study and the preparation of plans and construction to repair and renovate the existing boiler plant on the north campus, including the repair or replacement of boilers and associated pumps, piping, and control systems; stack and tanks; utility connections and relocation and replacement of utilities; building repair and restoration; and for cogeneration facilities, if determined appropriate; and for the cost of furnishings and equipment; to be in addition to the amount appropriated for this or similar purposes in item 7220-8803 of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine	$2,500,000
	Southeastern Massachusetts University.	

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7310-7894 For (7310-8842)	the cost of furnishings and equipment for the new science building; to be in addition to the amount appropriated in item 7310-8842 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$1,855,000

University of Massachusetts, Amherst.

7410-7895 For (7410-7872)	a study and the preparation of plans and for the construction of an animal care laboratory for the replacement of existing facilities, including facilities for undergraduate, graduate, and research laboratories, plus animal accommodations, food storage, medical facilities, and all facilities related to animal care and maintenance for research, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 7410-7872 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty six	$4,500,000
7410-7896 For	a study and the preparation of plans for a new boiler plant, including fossil fuel cogeneration facilities if determined appropriate, and for related repairs and renovations to the existing facilities	$3,000,000

University of Massachusetts, Boston.

7452-7890 For	a study and the preparation of plans for the repair and renovation of laboratories	$40,000
7452-7892 For	a study, preparation of plans and repairs and renovations to the 250 Stuart Street Building in Boston, including the cost of furnishings and equipment	$9,000,000
7452-7893 For (7452-8841)	the preparation of plans and construction of repairs and renovations to the Harbor Campus, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 7452-8841 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$1,700,000

Berkshire Community College.

7502-7890 For (7502-8840)	a study and the preparation of plans for an enclosure for the existing swimming pool; to be in addition to the amount appropriated in item 7502-8840 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$250,000

Cape Cod Community College.

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7504-7892 For	a study and the preparation of plans and construction, including repairs and renovations to existing buildings, or addition to an existing building, to provide improved business technology laboratories, including the cost of furnishings and equipment	$1,000,000

Massachusetts Bay Community College.

7507-7891 For (7507-8841)	a study and the preparation of plans and construction for renovations of the learning resource center, including furnishings and equipment; to be in addition to the amount appropriated in item 7507-8841 of section two A of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$2,600,000

Massasoit Community College.

7508-7891 For	a study and the preparation of plans and construction, including the cost of furnishings and equipment, to repair and renovate existing facilities at the Blue Hills campus, including utility systems, and to meet the requirements of the current building code	$700,000

Northern Essex Community College.

7510-7891 For	a study, the preparation of plans and renovations and repairs to existing facilities to provide for student services and improved academic programs, including such additions to existing facilities as may be required for the appropriate development of the campus, including the cost of furnishings and equipment	$1,500,000

Quinsigamond Community College.

7512-7892 For	a study, the preparation of plans, and construction to repair and renovate the administration building, including site and utility improvements, to restore the building and improve handicapped access, security, safety, and facility utilization, including the cost of furnishings and equipment	$800,000

Roxbury Community College.

7515-7892 For	costs relating to the final construction phase of Roxbury Community College, including furnishings and equipment and site work required in the campus area	$3,700,000

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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Management Information Systems.

1101-7890 For (1101-7881) studies and the preparation of plans, if necessary and for the upgrading of the uninterrupted power supply and the purchase and installation of an electrical disaster recovery system; to be in addition to the amount appropriated in item 1101-7881 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $680,000

Division of Capital Planning and Operations.

1102-7893 For (1102-7881) 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 1102-7881 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $6,000,000

1102-7894 For (1102-8880) studies and for renovations to state-owned facilities 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 1102-8880 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $4,000,000

1102-7895 For (1102-7884) studies and the preparation of plans, if necessary, and for the construction and renovations at various facilities of the Commonwealth to provide child care, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 1102-7884 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $4,000,000

1102-7896 For (1102-7887) the planning and demolition of certain structures including relocation and protection of utilities of various facilities of the Commonwealth; to be in addition to the amount appropriated in item 1102-7887 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $750,000

1102-7897 For (1102-7888) project programming, studies and environmental impact reports, including cost estimates, for state agencies, excluding counties; to be in addition to the amount appropriated in item 1102-7888 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $4,500,000

1102-7898 For real property planning and prototype studies including cost estimates for state agencies, excluding counties $500,000

1102-9896 For studies and the preparation of plans and for construction and renovations at various facilities on the campuses of public community colleges, state colleges and universities to provide child

Item		
	care, including the cost of furnishings and equipment and site improvements; provided, that all expenditures shall be in accordance with schedules established by the board of regents and submitted to the deputy commissioner of the division of capital planning and operations thirty days prior to expenditure of said funds	$3,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2120-7898 For	the short term cleanup, planning and engineering of Alewife Brook	$140,000
2150-7890 For (2150-7873)	the rehabilitation of existing dams located on the property of the department of environmental management; pursuant to schedules submitted to and approved by the secretary for tration adminis- and finance thirty days prior to the obligation of said funds; to be in addition to the amount appropriated in item 2150-7873 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$1,000,000
2150-7891 For (2150-7872)	the rehabilitation of existing dams statewide, pursuant to chapter two hundred and fifty-three, sections forty-four through forty-seven, inclusive, of the General Laws; pursuant to schedules submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds; provided, that not less than forty thousand dollars of the amount appropriated herein shall be obligated for a study and the preparation of plans, if necessary, for the repair, renovation and replacement of the Nabnasset Dam in the town of Westford; to be in addition to the amount appropriated in item 2150-7872 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six; provided further, that not less than four hundred and forty thousand dollars be obligated for the Ashfield Lake Dam; and provided further, that not less than one hundred and thirty-five thousand dollars be obligated for the reconstruction of the Lake Whittemore Dam in the town of Spencer	$2,000,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Soldiers' Home in Massachusetts, Chelsea.

4180-7892 For	a study and for the removal and/or encapsulation of asbestos materials	$400,000

Department of Mental Retardation.

Item

Paul A. Dever State School.

5911-7892 For a study and the preparation of plans, if necessary, and construction or renovation to provide a child care center, including the cost of furnishings and equipment $922,000

BOARD OF REGENTS.

Southeastern Massachusetts University.

7310-7890 For a study and the preparation of plans for child care facilities $110,000

University of Massachusetts, Amherst.

7410-7893 For a study and the preparation of plans for child care facilities $110,000

Cape Cod Community College.

7504-7890 For studies and the preparation of plans, if necessary, and for renovations to make Cape Cod community college facilities functional for the physically handicapped in accordance with the provisions of section thirteen A of chapter twenty-two of the General Laws $800,000

SECTION 2E.

Item

0526-7890 For a program of grants for a restoration and renovation of historical edifices in certain municipalities $1,050,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

1102-7899 For (1102-7882) studies and the preparation of plans, if necessary, and for the removal of toxic substances in certain electrical equipment of the Commonwealth; or for removal of said equipment, including any costs related thereto; to be in addition to the amount appropriated in item 1102-7882 of section two B of chapter one hundred and ninety-nine of the acts of nineteen

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	hundred and eighty-seven	$8,000,000
1102-8890 For (1102-7886)	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 secretary for administration and finance; to be in addition to the amount appropriated in item 1102-7886 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$500,000
1102-8891 For (1102-9845)	studies and the preparation of plans, if necessary, and for repairs and improvements to state facilities and sites to achieve protection from environmental hazards; to be in addition to the amount appropriated in item 1102-9845 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$15,000,000
1102-8892 For (1102-8874)	studies and the preparation of plans, if necessary, and for construction of certain air pollution abatement projects at various institutions of the Commonwealth; to be in addition to the amount appropriated in item 1102-8874 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$500,000
1102-8893 For	studies and the preparation of plans, if necessary, and for renovations and improvements to treat and dispose of waste water at the various institutions of the Commonwealth, including any related costs necessary to complete such projects; to be in addition to any federal funds available for this purpose	$500,000
1102-8894 For (1102-7840)	studies and the preparation of plans, if necessary, and for repairs, construction and the installation of equipment as needed to improve water conservation in state facilities; to be in addition to the amount appropriated in item 1102-7840 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$500,000
1102-8895 For (1102-7885)	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 1102-7885 of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$2,000,000
1102-8896 For	a study and the preparation of plans, if necessary, for the restoration and renovation of office space in state buildings, including the cost of furnishings, equipment and certain other relocation costs	$1,200,000
1102-8897 For (1102-7883)	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 capital planning and operations, in accordance with section two F of chapter twenty-nine of the General Laws; to be in addition to the amount appropriated in item 1102-7883 of section two B	

Item		
	of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$4,000,000
1102-8898 For (1102-8881)	emergency repair projects of state-owned property; to be in addition to the amount appropriated in item 1102-8881 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$500,000
1102-8899 For	the establishment and continued operation of programs of preventive maintenance for state-owned property to maximize the useful life of capital facilities as defined in section thirty-nine A of chapter seven of the General Laws, and to prevent deterioration or costly future repairs	$3,500,000
1102-9891 For	studies and the preparation of plans, if necessary, and for the purchase and installation of chilled water systems at the Leverett Saltonstall and John W. McCormack state office buildings	$3,244,000
1102-9892 For	studies and the preparation of plans, if necessary, and for repairs to the garage at the John W. McCormack state office building	$2,300,000
1102-9893 For (1102-8882)	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; pursuant to schedules submitted by the superintendent of the bureau of state office buildings to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amount appropriated in item 1102-8882 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$1,300,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2310-7890 For	the repair or replacement of a well at the fish hatchery in Sandwich, including any costs related thereto	$30,000
2310-7891 For	a study and the preparation of plans, if necessary, and for repairs to the Sandwich trout hatchery, including but not limited to the installation of a water circulation and filtration system, and repairs to the raceways	$500,000
2310-7892 For	a study, the preparation of plans, if necessary, and the design and construction of boat launching facilities, access roadways, parking areas, wharfs, breakwaters and ancillary facilities in the town of Wareham	$395,000

Metropolitan District Commission.

Item		
2440–7891	For studies and the preparation of plans, if necessary, and for repairs and improvements to the sewer system at Blue Hills Reservation, including connection to town sewer lines; subject to schedules submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds	$1,000,000
2440–7892	For studies and the preparation of plans, if necessary, and for repairs and improvements, including site work and landscaping, at Beaver Brook Reservation; subject to schedules submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds	$2,000,000
2440–7893 (2440–7878) (2440–7879)	For studies and the preparation of plans, if necessary, and for general repairs and improvements to existing facilities, including the existing pool facility in the city of Melrose provided title to same is transferred to the metropolitan district commission, including site work and landscaping, if necessary, pursuant to schedules submitted by the commissioner of the metropolitan district commission to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amount appropriated in items 2440–7878 and 2440–7879 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty–six	$3,000,000
2440–7894 (2440–7849)	For a study and the preparation of plans, if necessary, and for the rehabilitation and restoration of certain structures and facilities in the Blue Hills Reservation; to be in addition to the amount appropriated for this or similar purposes in item 2440–7849 of section seven of chapter seven hundred and twenty three of the acts of nineteen hundred and eighty–three	$2,250,000
2440–7895 (2440–8881)	For the purchase, transportation and placement of sand on Revere Beach and for related seawall repair and restoration; to be in addition to the amount appropriated in item 2440–8881 of chapter five hundred and sixty–four of the acts of nineteen hundred and eighty–seven	$1,000,000
2440–7896	For a study and the preparation of plans, if necessary, and for the construction, reconstruction, repair and renovation by the metropolitan district commission of the Cronin Ice Skating Rink in the city of Revere, including the replacement of dasher boards and the construction of locker rooms, if necessary, and including furnishings and equipment	$1,000,000
2440–7897	For a study and the preparation of plans, if necessary, and for repairs, renovations and improvements by the metropolitan district commission for the Veterans' Memorial Skating Rink in the city of Somerville, including improvements to heating and lighting	$75,000
2440–7898	For a study and the preparation of plans, if necessary, and for repairs, renovations, and improvements, including landscaping, by the metropolitan district commission for the Savin Hill Beach in the Dorchester section of the city of Boston	$100,000
2440–8891	For the commonwealth's share of certain improvements, including flood protection for Godfrey Brook	$100,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Item		
4170-7890	For the maintenance and repair of veterans' graves and memorials	$225,000
	Soldiers' Home in Massachusetts, Chelsea.	
4180-7890 (4180-7884)	For studies and the preparation of plans, if necessary, and for interior and exterior repairs and improvements to certain buildings, including site work, pursuant to schedules submitted by the commandant of the Soldiers' Home in Massachusetts, Chelsea to the deputy commissioner; to be in addition to the amount appropriated in item 4180-7884 of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$1,200,000
	Soldiers' Home in Holyoke.	
4190-7890 (4190-7884)	For studies and the preparation of plans, if necessary, and for construction to existing buildings to correct life safety code deficiencies, including egress, sprinklers and other related improvements; pursuant to schedules submitted to and approved by the deputy commissioner of the division of capital planning and operations; to be in addition to the amount appropriated in item 4190-7884 of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty seven	$1,125,000
	Department of Youth Services.	
4200-7890 (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, pursuant to schedules submitted by the commissioner of the department of youth services to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amount appropriated in item 4200-7880 of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$520,000
	Department of Correction.	
4311-7890 (4311-7880) (4311-7881)	For studies and preparation of plans, if necessary, and for interior and exterior repairs and renovations at various correctional facilities, including site work, pursuant to schedules submitted by the commissioner of the department of correction to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amounts appropriated in items 4311-7880 and 4311-7881 of chapter one hundred and ninety nine of the acts of nineteen hundred and eighty-seven	$2,000,000

Item		
	Department of Public Health.	
4510-7890 For (4510-7880)	studies and the preparation of plans, if necessary, and for interior and exterior repairs and improvements at various facilities of the department of public health, pursuant to schedules submitted by the commissioner of the department of public health to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amount appropriated in item 4510-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven; provided further, that not less than four hundred thousand dollars shall be expended for repairs to Tewksbury Hospital	$2,200,000
	State Laboratory Institute.	
4516-7890 For	a study and the preparation of plans, if necessary, and for upgrading of the electrical and heating, ventilation and air conditioning systems at the state laboratory, including but not limited to the purchase and installation of electric switchgear, emergency generators and chilling systems	$1,720,000
	Massachusetts Hospital School.	
4533-7890 For	studies and the preparation of plans, if necessary, and for repairs or replacement of certain roofs and covered walkways, and for the correction of damage resultant from water penetration at the Massachusetts Hospital School	$1,100,000
	Tewksbury Hospital.	
4536-7890 For	a study and the preparation of plans, if necessary, and for the replacement of windows at Tewksbury Hospital	$2,200,000
	Western Massachusetts Hospital.	
4537-7890 For	studies and the preparation of plans, if necessary, and for replacement or repairs and upgrading of elevators including elevator shafts and machine room at Western Massachusetts Hospital	$350,000
4537-7891 For	studies and the preparation of plans, if necessary, and for repairs and improvements, including but not limited to modification and upgrading of the heating, ventilation, and air conditioning	

Item		
	systems at Western Massachusetts Hospital	$1,400,000
	Department of Mental Health.	
5011-7890 For (5011-8874)	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, priority for expenditure of funds authorized herein shall be for those centers for which such expenditure is necessary to maintain existing certification. 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; to be in addition to the amount appropriated in item 5011-8874 of chapter one hundred and sixty-seven of the acts of nineteen hundred and eighty-seven	$2,500,000
	Department of Mental Retardation.	
5911-7893 For	the repairs, upgrading and addition of appurtenant devices to the power plant at Belchertown State School and the purchase and installation of emergency generators	$800,000
5911-7894 For	studies and the preparation of plans, if necessary, and for interior and exterior repairs and renovations to the buildings, utility systems, grounds and facilities of the department of mental retardation, including the cost of furnishings and equipment, pursuant to schedules submitted by the commissioner of the department of mental retardation to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner	$4,355,000
	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.	
	Department of Public Works.	
6020-7890 For (6020-7880)	studies, the preparation of plans, if necessary, and for interior and exterior repairs of buildings and facilities of the department of public works, pursuant to schedules submitted by the commissioner of the department of public works to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amount appropriated in item 6020-7880 of section two E of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$300,000

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	BOARD OF REGENTS.	
	Bridgewater State College.	
7109-7891 For (7109-7880)	studies and the preparation of plans, if necessary, and for repairs and renovations to the buildings of Bridgewater State College, including but not limited to improvements of the parking facilities; to be in addition to the amount appropriated in item 7109-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$300,000
	Fitchburg State College.	
7110-7890 For (7110-7880)	studies and the preparation of plans, if necessary, and construction for repairs and renovations to the buildings of Fitchburg State College; to be in addition to the amount appropriated in item 7110-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$700,000
	Framingham State College.	
7111-7892 For (7111-7871) (7112-8843)	interior and exterior repairs to the buildings of Framingham State College; to be in addition to the amount appropriated in item 7111-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six and any other funds made available for similar or related purposes in item 7112-8843 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$200,000
	North Adams State College.	
7113-7891 For (7113-7880)	interior and exterior repairs to the buildings of North Adams State College; to be in addition to the amount appropriated in item 7113-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$200,000
7113-7892 For	the preparation of plans and construction to repair and/or replace the fire alarm system in all buildings as required to meet current building code requirements and requirements of the handicapped, including the connection of the new fire alarm system to the campus dormitories in order to maintain a complete central fire safety alarm system for the campus; and for the repair of existing boiler plant control systems; and for the addition of certain smoke density controls to meet emission standards	$560,000

Item		
	Salem State College.	
7114-7891 For (7114-7880)	studies and the preparation of plans, if necessary, and for repairs and improvements of the facilities at Salem State College; to be in addition to the amount appropriated in item 7114-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$400,000
	Westfield State College.	
7115-7890 For (7115-7880)	studies and the preparation of plans, if necessary, and repairs, renovations and construction at Westfield State College; to be in addition to the amount appropriated in item 7115-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$250,000
7115-7891 For	a study and the preparation of plans, if necessary, and construction for the replacement of the astroturf field	$985,000
	Worcester State College.	
7116-7891 For (7116-7880)	studies and the preparation of plans, if necessary, and for repairs and improvements of the facilities at Worcester State College; to be in addition to the amount appropriated in item 7116-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$300,000
7116-7892 For	a study and the preparation of plans and construction for repairs and improvements to the campus drainage system, including the repair and replacement of underground utilities related to the drainage project	$300,000
	Massachusetts Maritime Academy.	
7118-7891 For (7118-7880)	interior and exterior repairs to the buildings of the Massachusetts Maritime Academy; to be in addition to the amount appropriated in item 7118-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$200,000
	University of Lowell.	
7220-7897 For (7220-8847)	the preparation of plans and construction for the repair and renovation of Tully Forum, including site improvements, parking and utility services, landscaping, and all related repairs and	

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(7220-0007)	additions, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 7220-8847 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three and item 7220-0007 of section two of chapter two hundred and ninety-seven of the acts of nineteen hundred and eighty-three	$2,500,000

Southeastern Massachusetts University.

7310-7891 For (7310-7880)	interior and exterior repairs to the buildings of Southeastern Massachusetts University; to be in addition to the amount appropriated in item 7310-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$250,000
7310-7892 For	a study and the preparation of plans and construction to repair and renovate the existing auditorium to improve utilization and operation of existing facilities	$180,000

University of Massachusetts, Amherst.

7410-7891 For (7410-7882)	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 of the University of Massachusetts, Amherst; to be in addition to the amount appropriated in item 7410-7882 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$2,000,000
7410-7892 For (7410-7881)	studies and the preparation of plans, if necessary, and for repair, renovation, and/or replacement of utility systems or components at the University of Massachusetts, Amherst, including adjustments and repairs to related equipment and facilities; to be in addition to the amount appropriated in item 7410-7881 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$3,000,000
7410-7894 For (7410-7880)	studies and the preparation of plans, if necessary and renovations and repairs to various buildings and facilities at the University of Massachusetts, Amherst and university field stations; to be in addition to the amount appropriated in item 7410-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$7,000,000

University of Massachusetts, Worcester.

7411-7891 For	a study and the preparation of plans, if necessary, and construction for repair and/or replacement of power plant boilers and related equipment at the University of Massachusetts, Worcester	$1,000,000
7411-7892 For	studies, the preparation of plans, if necessary, and interior and exterior repairs to the buildings	

Item		
(7411–7880)	of the University of Massachusetts, Worcester; to be in addition to the amount appropriated in item 7411–7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$1,500,000
7411–7893 For (7411–7871)	the replacement of the power plant chimney; to be in addition to the amount appropriated in item 7411–7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$700,000

University of Massachusetts, Boston.

7452–7891 For (7452–7880)	studies, the preparation of plans, if necessary, and interior and exterior repairs to the buildings of the University of Massachusetts, Boston; to be in addition to the amount appropriated in item 7452–7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$200,000

Berkshire Community College.

7502–7891 For (7502–7880)	studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings at Berkshire Community College; to be in addition to the amount appropriated in item 7502-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$200,000
7502–7892 For	the preparation of plans and for repairs and improvements of site, utilities, parking, pavement, landscaping, security lighting, and other related outdoor facilities as required	$175,000
7502–7893 For	a study, the preparation of plans and for repairs and renovations to the Melville Building, including the cost of furnishings and equipment	$300,000

Bristol Community College.

7503–7890 For (7503–7880)	studies, the preparation of plans, if necessary, and for interior and exterior repairs to buildings at Bristol Community College; to be in addition to the amount appropriated in item 7503–7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$200,000

Cape Cod Community College.

7504–7891 For	studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings	

Item

(7504-7880) at Cape Cod Community College; to be in addition to the amount appropriated in item 7504-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $220,000

Greenfield Community College.

7505-7891 For (7505-7880) studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings at 7505-7880 Greenfield Community College; to be in addition to the amount appropriated in item of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $100,000

Holyoke Community College.

7506-7890 For (7506-7880) studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings and for parking and site improvements at Holyoke Community College; to be in addition to the amount appropriated in item 7506-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $400,000

Massachusetts Bay Community College.

7507-7890 For (7507-7880) studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings at Massachusetts Bay Community College; to be in addition to the amount appropriated in item 7507-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $250,000

Massasoit Community College.

7508-7890 For (7508-7871) studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings at Massasoit Community College; to be in addition to the amount appropriated in item 7508-7871 of section two D of chapter two hundred and six of the acts of nineteen hundred and eighty-six $362,000

Mount Wachusett Community College.

7509-7891 For (7509-7880) studies, the preparation of plans, if necessary, and for roof repairs, including renovations, improvements, and replacement, and for certain masonry, mechanical, roadway, and parking

Item		
	repairs at Mount Wachusett Community College; to be in addition to the amount appropriated in item 7509-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$200,000
	Northern Essex Community College.	
7510-7890 For (7510-7881)	studies, the preparation of plans, if necessary, and for interior and exterior repairs to buildings and for parking and site improvements at Northern Essex Community College; to be in addition to the amount appropriated in item 7510-7881 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$200,000
	Quinsigamond Community College.	
7512-7891 For (7512-7880)	studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings of Quinsigamond Community College; to be in addition to the amount appropriated in item 7512-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$250,000
	Springfield Technical Community College.	
7514-7890 For (7514-7880)	studies, the preparation of plans, if necessary, and for repairs and renovations to campus buildings, roads, and parking areas at Springfield Technical Community College; to be in addition to the amount appropriated in item 7514-7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$2,250,000
7514-7891 For	the preparation of plans and construction to provide security lighting for the campus, including related landscaping and paving as required to improve the exterior security system	$150,000
	Roxbury Community College.	
7515-7891 For	the preparation of plans and construction to repair and renovate the Dudley House, including the cost of furnishings and equipment	$50,000
	Bunker Hill Community College.	
7518-7890 For (7518-7880)	studies, the preparation of plans, if necessary, and interior and exterior repairs to buildings at Bunker Hill Community College; to be in addition to the amount appropriated in item 7518-	

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7880 of section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $200,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Military.

8700-7892 For (8700-7880) studies, and the preparation of plans, if necessary, and for interior and exterior repairs to buildings and facilities of the military division, pursuant to schedules submitted by the adjutant general of the military division to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amount appropriated in item 8700-7880 of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven $760,000

Civil Defense Agency.

8800-7890 For studies and the preparation of plans, if necessary, and for interior and exterior repairs, including site work if necessary, for buildings and facilities of the civil defense agency, pursuant to schedules submitted by the director of the civil defense agency to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner $250,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Division of Employment Security.

9801-7890 For (9801-7880) studies, the preparation of plans, if necessary, and for interior and exterior repairs of buildings and facilities of the division of employment security, pursuant to schedules submitted by the director of the division of employment security to the deputy commissioner of the division of capital planning and operations and approved by said deputy commissioner; to be in addition to the amount appropriated in item 9801-7880 of section two D of chapter one hundred and ninety nine of the acts of nineteen hundred and eighty-seven $615,000

SECTION 2F.

LEGISLATURE.

Item		
0121-7890 For	the purchase and installation of computer equipment and related software and expenses for the house of representatives and in its several standing and special committees	$750,000

JUDICIARY.

0330-7891 For	a study and the preparation of plans and for the purchase and installation of certain computer equipment	$4,000,000

TREASURER AND RECEIVER GENERAL.

0610-7890 For	the purchase and installation of computer equipment for the treasurer and receiver general	$2,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Management Information Systems.

1101-7891 For	the purchase and installation of data communication and ancillary equipment for a statewide data communications network; subject to schedules submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds	$1,550,000
1101-7892 For	the purchase and installation of computer equipment and application software for a personnel, payroll and management information system and for a procurement analysis and tracking system; subject to schedules submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds	$767,000

Division of Capital Planning and Operations.

1102-9890 For (1102-7889)	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; to be in addition to the amount appropriated in item 1102-7889 of section two F of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$500,000
1102-9894 For	the purchase and installation of a wall glider system for the John W. McCormack building	$705,000

Motor Vehicle Management Bureau.

1102-9895 For	a reserve for the purchase of heavy automotive equipment, including but not limited to trucks,	

Item		
(1102-7880)	tractors, bulldozers, and plows to replace existing equipment and to provide additional vehicles, pursuant to schedules submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds; to be in addition to the amount appropriated in item 1102-7880 of section two F of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$2,600,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-7890 For (2000-7880)	the purchase and installation of computer equipment for the departments, commission and secretary's office within the executive office of environmental affairs in accordance with the plan authorized by item 2000-7880 of section two F of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven; to be in addition to the amount appropriated in item 2000-7880 of section two F of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$750,000

Department of Environmental Quality Engineering.

2200-7891 For	a reserve to fund the purchase and installation of programmatic equipment; pursuant to schedules submitted by the secretary of the executive office of environmental affairs to the secretary for administration and finance thirty days prior to the obligation of said funds and approved by said secretary	$700,000

Watershed Management Division.

2440-7846 For	laboratory, forestry, and data management equipment for the watershed management division	$410,000

Metropolitan District Commission.

2440-7899 For	the purchase and installation of a portable stage by the metropolitan district commission for the Hatch Memorial Shell in Boston	$175,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

4000-7890 For the purchase of equipment, provided that a schedule be prepared by the secretary of the ex-

Item		
(4000-7871)	ecutive office of human services and submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds; 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	$3,500,000
	Department of Youth Services.	
4200-7891 For (4200-7881)	the preparation of plans, if necessary, and for the purchase and installation of certain computer equipment, including any costs related thereto; to be in addition to the amount appropriated in item 4200-7881 of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$332,000
	Department of Public Health.	
4510-0796 For	a replacement communications console for the Region II Office of Emergency Medical Services	$150,000
	Department of Mental Health.	
5011-7891 For	the preparation of plans, if necessary, and for the purchase and installation of certain computer equipment, including any costs related thereto	$2,000,000
	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.	
	Department of Public Works.	
6020-7891 For (6020-7872) (6020-7873)	the purchase and installation of computerized automated fuel dispensing equipment at fuel depots; to be in addition to the amounts appropriated in item 6020-7872 and item 6020-7873 of section two C of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$375,000
7000-7890 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 obligations of grant recipients as determined by the board of library commissioners	$4,000,000
	DEPARTMENT OF EDUCATION.	
7027-7890 For	the reimbursement of costs incurred by cities, towns, regional school districts, independent vocational schools and education collaboratives for the purchase and installation, if necessary,	

Item		
	of electronic technology to be utilized in projects to demonstrate innovate applications of such technology to curriculum and instruction; provided that said reimbursements shall be awarded by the board of education, pursuant to section fifty-six of chapter fifteen of the General Laws, according to priorities set by the state educational technology advisory council and approved by the board of education and pursuant to schedules submitted to the board of education and submitted to and approved by the house and senate committees on ways and means prior to the obligation of such funds; 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	$2,000,000

BOARD OF REGENTS.

7100-7890 For (7100-7881)	a reserve for the purchase and installation of telecommunications equipment for the system of higher education; provided, that a schedule be prepared by the board of regents and that said schedule be submitted to and all obligations be approved by the secretary for administration and finance; to be in addition to the amount appropriated for this and similar purposes in item 7100-7881 of section two F of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven	$10,400,000
7100-7891 For (7100-7881) (7066-8843)	a reserve for the purchase and installation of data processing equipment for the system of higher education; provided, that a schedule be prepared by the board of regents and submitted to the secretary of administration and finance thirty days prior to the obligation of said funds; to be in addition to the amount appropriated for this and similar purposes in item 7100-7881 of section two F of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven and any other funds made available for similar purposes in item 7066-8843 of section two A of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$7,000,000
7100-7892 For (7100-7880) (7100-7871)	a reserve for the purchase and installation, if necessary of special 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 secretary for administration and finance thirty days prior to the obligation of said funds; to be in addition to the amount appropriated in item 7100-7880 of section two F of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven and any other funds made available for similar purposes in item 7100-7871 of section two C of chapter two hundred and six of the acts of nineteen hundred and eighty-six	$4,000,000
7100-7893 For	a reserve to be allocated by the board of regents for the purchase of scientific, technological	

Item		
	and other educational books for the libraries of the system of public higher education institutions	$7,500,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Massachusetts Firefighting Academy.

8314-7890 For	a reserve for the purchase of a portable compressor unit	$60,000

Civil Defense Agency.

8800-7891 For	the purchase and equipping of hazardous materials emergency response vehicles; subject to schedules submitted to and approved by the secretary for administration and finance thirty days prior to the obligation of said funds	$425,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Division of Employment Security.

9801-7891 For	the purchase and installation of a high-density file storage system for the division of employment security for its headquarters and its records center	$500,000

LOCAL AID

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 items 0611-5500, 7061-0003, and 7061-0008 of section two of this act shall be 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 sections three, six, and seven of chapter seventy of the General Laws; and provided further, that the amounts to be distributed from item 0611-5500 of said section two are hereby deemed to be in full satisfaction of the amounts due under section thirty-seven of chapter twenty-one and sections thirteen to seventeen B inclusive of chapter fifty-eight of the General Laws, and section eight of chapter six hundred and thirty-five of the acts of nineteen hundred and sixty. No payments to cities and towns pursuant to this section shall be paid after November thirtieth 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 year's annual financial reports submitted pursuant to the provisions of section forty three of chapter forty-four of the General Laws; provided, however, that if the reduction in a municipality's additional

assistance resulting from reduced assessments authorized by section nine shall result in a negative total receipts on the receipt side of the cherry sheet, the commissioner of revenue is directed to change said negative receipts to zero.

In the case of regional school districts, distributions pursuant to this section shall not be paid by the state treasurer after November thirtieth 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.

No payments to cities, towns, or regional school districts pursuant to line items 7061-0003 and 7061-0008 shall be paid after November thirtieth of the fiscal year by the state treasurer until he receives certification from the commissioner of education of said commissioner's acceptance of the end of year pupil and financial report submitted pursuant to the provisions of section three of chapter seventy-two of the General Laws.

	Line Items	
Cities and Towns	7061-0008 Chapter 70	0611-5500 Additional Assistance
ABINGTON	4,675,187	371,740
ACTON	1,131,469	823,125
ACUSHNET	2,557,347	39,530
ADAMS	1,214,640	49,313
AGAWAM	7,193,938	218,364
ALFORD	8,122	190
AMESBURY	4,608,967	1,077,068
AMHERST	4,856,509	870,944
ANDOVER	2,563,081	878,195
ARLINGTON	4,025,815	8,942,160
ASHBURNHAM	404,374	0
ASHBY	124,267	23,232
ASHFIELD	72,623	0
ASHLAND	871,345	969,374
ATHOL	1,944,350	177,336
ATTLEBORO	10,728,811	1,540,253
AUBURN	3,189,001	613,497

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
AVON	332,801	819,190
AYER	3,521,856	158,170
BARNSTABLE	2,750,626	0
BARRE	291,144	0
BECKET	6,343	78,944
BEDFORD	964,721	1,268,566
BELCHERTOWN	2,610,879	39,728
BELLINGHAM	5,329,138	67,963
BELMONT	1,593,488	2,318,273
BERKLEY	1,023,350	5,556
BERLIN	359,696	71,100
BERNARDSTON	282,280	0
BEVERLY	4,207,465	5,648,097
BILLERICA	5,896,367	5,779,742
BLACKSTONE	649,191	0
BLANDFORD	84,061	0
BOLTON	216,327	0
BOSTON	67,677,955	269,200,768
BOURNE	1,298,048	1,274,882
BOXBOROUGH	179,242	94,263
BOXFORD	295,533	316,328
BOYLSTON	339,186	89,063
BRAINTREE	2,531,096	6,674,428
BREWSTER	343,384	143,153
BRIDGEWATER	4,753,318	296,145
BRIMFIELD	444,686	36,167
BROCKTON	33,866,096	15,144,071
BROOKFIELD	800,233	1,487
BROOKLINE	2,850,759	7,409,199
BUCKLAND	236,985	0
BURLINGTON	2,023,558	3,094,840

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
CAMBRIDGE	4,850,708	30,805,669
CANTON	1,319,711	2,153,509
CARLISLE	257,513	193,054
CARVER	1,938,495	136,138
CHARLEMONT	169,769	1,050
CHARLTON	782,392	0
CHATHAM	329,027	22,283
CHELMSFORD	2,886,470	5,359,422
CHELSEA	10,345,084	7,401,499
CHESHIRE	358,385	4,391
CHESTER	152,572	21,648
CHESTERFIELD	162,256	0
CHICOPEE	15,521,488	5,779,552
CHILMARK	0	(70,314)
CLARKSBURG	701,239	16,974
CLINTON	3,795,555	1,371,737
COHASSET	640,997	584,475
COLRAIN	184,981	5,562
CONCORD	925,549	1,256,664
CONWAY	216,894	9,362
CUMMINGTON	64,547	0
DALTON	889,017	0
DANVERS	1,640,116	2,772,564
DARTMOUTH	4,927,809	193,312
DEDHAM	1,947,798	3,478,765
DEERFIELD	627,753	63,278
DENNIS	283,954	59,672
DIGHTON	301,203	23,543
DOUGLAS	1,061,189	11,007
DOVER	169,282	162,138
DRACUT	5,897,184	931,265

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
DUDLEY	966,555	0
DUNSTABLE	44,233	133,433
DUXBURY	1,575,889	286,094
EAST BRIDGEWATER	3,643,746	24,518
EAST BROOKFIELD	92,155	0
EAST LONGMEADOW	2,419,174	110,899
EASTHAM	126,683	0
EASTHAMPTON	5,429,577	436,109
EASTON	4,594,603	157,149
EDGARTOWN	134,321	152,529
EGREMONT	19,849	12,664
ERVING	144,185	86,163
ESSEX	231,518	186,899
EVERETT	2,570,677	7,774,604
FAIRHAVEN	3,289,972	1,697,220
FALL RIVER	40,239,838	13,140,674
FALMOUTH	2,174,207	389,300
FITCHBURG	14,151,517	2,797,307
FLORIDA	50,403	18,108
FOXBOROUGH	3,643,000	103,128
FRAMINGHAM	4,369,740	9,897,736
FRANKLIN	4,552,508	1,171,857
FREETOWN	1,054,377	94,180
GARDNER	5,962,158	1,217,063
GAY HEAD	0	(1,458)
GEORGETOWN	1,301,607	505,092
GILL	45,073	0
GLOUCESTER	2,116,293	4,211,287
GOSHEN	59,019	760
GOSNOLD	1,720	4,529
GRAFTON	2,330,902	617,645

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
GRANBY	1,840,278	0
GRANVILLE	201,403	1,717
GREAT BARRINGTON	1,072,267	38,502
GREENFIELD	5,822,894	1,425,852
GROTON	736,190	10,793
GROVELAND	1,033,129	27,743
HADLEY	279,866	394,237
HALIFAX	1,461,944	31,407
HAMILTON	290,690	373,284
HAMPDEN	1,003,881	0
HANCOCK	40,227	53,149
HANOVER	1,356,380	2,594,706
HANSON	2,714,568	18,823
HARDWICK	218,337	0
HARVARD	1,658,044	52,001
HARWICH	629,387	232,088
HATFIELD	453,731	0
HAVERHILL	11,804,225	7,548,691
HAWLEY	21,314	33,414
HEATH	37,312	1,694
HINGHAM	1,724,342	1,424,124
HINSDALE	183,035	4,162
HOLBROOK	3,157,646	947,993
HOLDEN	2,436,601	0
HOLLAND	180,969	34,874
HOLLISTON	2,270,337	1,430,667
HOLYOKE	19,241,307	5,596,112
HOPEDALE	1,004,646	60,837
HOPKINTON	763,253	602,198
HUBBARDSTON	73,693	3,487
HUDSON	4,463,736	1,034,835

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
HULL	1,669,883	2,679,329
HUNTINGTON	221,103	6,207
IPSWICH	951,042	1,722,443
KINGSTON	1,196,587	26,263
LAKEVILLE	1,093,086	43,195
LANCASTER	1,493,979	253,182
LANESBOROUGH	612,312	6,421
LAWRENCE	30,471,005	5,283,054
LEE	1,337,317	261,147
LEICESTER	3,910,055	0
LENOX	946,660	473,327
LEOMINSTER	9,453,785	2,094,442
LEVERETT	135,509	0
LEXINGTON	2,455,110	1,211,253
LEYDEN	51,682	0
LINCOLN	178,679	735,787
LITTLETON	578,460	583,480
LONGMEADOW	2,146,524	880,780
LOWELL	28,441,746	17,394,957
LUDLOW	5,251,592	0
LUNENBURG	2,364,875	62,394
LYNN	22,546,944	20,258,207
LYNNFIELD	926,071	1,056,363
MALDEN	12,853,892	12,036,807
MANCHESTER	366,321	221,663
MANSFIELD	1,594,709	1,869,361
MARBLEHEAD	1,278,125	872,840
MARION	206,082	60,357
MARLBOROUGH	2,240,886	5,547,857
MARSHFIELD	3,769,021	1,670,836
MASHPEE	330,237	120,355

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
MATTAPOISETT	356,617	184,669
MAYNARD	1,354,368	1,456,735
MEDFIELD	857,943	1,619,431
MEDFORD	9,416,438	13,149,365
MEDWAY	1,737,549	886,326
MELROSE	4,119,337	5,723,727
MENDON	66,311	127,373
MERRIMAC	1,275,604	25,536
METHUEN	7,702,679	2,940,656
MIDDLEBOROUGH	6,403,932	183,244
MIDDLEFIELD	42,266	13,477
MIDDLETON	202,544	401,106
MILFORD	6,682,980	1,337,903
MILLBURY	3,479,133	622,750
MILLIS	1,006,909	900,450
MILLVILLE	156,294	0
MILTON	1,543,383	3,019,723
MONROE	9,030	24,090
MONSON	2,583,568	19,878
MONTAGUE	957,882	18,364
MONTEREY	17,880	56,249
MONTGOMERY	40,057	0
MOUNT WASHINGTON	5,494	50,142
NAHANT	225,880	354,896
NANTUCKET	349,239	61,152
NATICK	2,337,216	4,286,836
NEEDHAM	1,913,433	1,479,528
NEW ASHFORD	10,342	14,092
NEW BEDFORD	48,732,355	5,866,172
NEW BRAINTREE	28,811	18,848
NEW MARLBOROUGH	31,304	13,191

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
NEW SALEM	40,314	737
NEWBURY	634,369	73,166
NEWBURYPORT	1,837,611	2,938,201
NEWTON	5,224,066	5,545,830
NORFOLK	1,090,084	163,636
NORTH ADAMS	7,361,314	929,279
NORTH ANDOVER	1,815,003	1,257,325
NORTH ATTLEBOROUGH	6,594,226	161,789
NORTH BROOKFIELD	1,706,967	0
NORTH READING	1,019,268	1,993,905
NORTHAMPTON	6,629,757	2,980,905
NORTHBOROUGH	1,305,630	700,226
NORTHBRIDGE	4,749,223	20,694
NORTHFIELD	280,093	0
NORTON	4,607,856	45,616
NORWELL	965,055	1,260,328
NORWOOD	2,055,825	5,306,647
OAK BLUFFS	129,934	8,065
OAKHAM	45,194	2,077
ORANGE	2,378,429	28,190
ORLEANS	174,451	0
OTIS	79,741	17,963
OXFORD	4,830,365	0
PALMER	3,629,324	0
PAXTON	623,267	0
PEABODY	6,795,689	7,429,348
PELHAM	96,605	0
PEMBROKE	2,606,247	231,251
PEPPERELL	402,784	25,470
PERU	83,871	32,138
PETERSHAM	82,593	3,967

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
PHILLIPSTON	827	54,415
PITTSFIELD	15,185,507	5,652,873
PLAINFIELD	18,919	2,950
PLAINVILLE	883,233	221,506
PLYMOUTH	3,334,934	447,928
PLYMPTON	264,873	208
PRINCETON	437,315	783
PROVINCETOWN	189,046	165,849
QUINCY	10,160,901	21,684,946
RANDOLPH	5,225,427	4,621,391
RAYNHAM	2,068,716	0
READING	1,975,720	3,400,251
REHOBOTH	353,140	0
REVERE	8,168,459	10,737,348
RICHMOND	152,832	27,264
ROCHESTER	641,631	0
ROCKLAND	5,159,979	1,992,500
ROCKPORT	466,810	256,711
ROWE	0	(42,626)
ROWLEY	357,529	383,799
ROYALSTON	49,798	46,588
RUSSELL	84,318	0
RUTLAND	1,374,033	0
SALEM	4,428,257	7,031,746
SALISBURY	921,697	227,819
SANDISFIELD	58,238	6,648
SANDWICH	805,423	546,786
SAUGUS	2,255,337	3,932,564
SAVOY	182,699	61,529
SCITUATE	1,623,345	2,155,485
SEEKONK	2,840,421	30,807

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
SHARON	2,309,716	990,652
SHEFFIELD	78,719	130,239
SHELBURNE	316,327	0
SHERBORN	195,662	192,107
SHIRLEY	1,460,496	685,429
SHREWSBURY	3,019,956	1,742,593
SHUTESBURY	92,384	0
SOMERSET	1,558,814	355,934
SOMERVILLE	13,315,028	28,148,843
SOUTH HADLEY	4,163,124	686,814
SOUTHAMPTON	882,542	0
SOUTHBOROUGH	450,360	247,643
SOUTHBRIDGE	7,348,065	28,680
SOUTHWICK	2,351,620	0
SPENCER	920,207	0
SPRINGFIELD	68,974,602	18,786,491
STERLING	925,545	0
STOCKBRIDGE	23,351	11,503
STONEHAM	1,491,266	4,072,682
STOUGHTON	5,925,782	2,107,271
STOW	405,977	260,262
STURBRIDGE	961,543	0
SUDBURY	899,030	1,575,172
SUNDERLAND	427,079	123,137
SUTTON	1,563,238	0
SWAMPSCOTT	974,610	1,114,961
SWANSEA	4,545,840	40,045
TAUNTON	18,497,745	1,463,459
TEMPLETON	1,030,395	82,293
TEWKSBURY	5,966,345	1,485,595
TISBURY	184,410	0

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
TOLLAND	13,338	24,361
TOPSFIELD	242,384	612,241
TOWNSEND	563,229	142,812
TRURO	79,689	29
TYNGSBOROUGH	1,687,838	6,369
TYRINGHAM	15,542	0
UPTON	364,174	0
UXBRIDGE	2,507,233	0
WAKEFIELD	2,726,385	3,474,996
WALES	322,837	4,458
WALPOLE	2,141,123	2,377,494
WALTHAM	4,606,211	10,919,438
WARE	3,346,381	208,439
WAREHAM	4,770,179	243,315
WARREN	1,091,906	0
WARWICK	75,281	77,288
WASHINGTON	58,733	68,814
WATERTOWN	1,828,110	7,967,087
WAYLAND	1,044,362	967,366
WEBSTER	4,242,151	1,194,756
WELLESLEY	1,631,900	1,234,855
WELLFLEET	67,228	0
WENDELL	58,966	86,887
WENHAM	36,143	367,172
WEST BOYLSTON	829,433	450,839
WEST BRIDGEWATER	1,326,034	515,095
WEST BROOKFIELD	543,316	0
WEST NEWBURY	326,864	59,675
WEST SPRINGFIELD	5,020,201	1,651,479
WEST STOCKBRIDGE	87,572	0
WEST TISBURY	66,008	320,380

Cities and Towns	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
WESTBOROUGH	1,119,201	810,226
WESTFIELD	11,459,012	766,330
WESTFORD	1,538,164	2,116,861
WESTHAMPTON	130,142	0
WESTMINSTER	417,269	0
WESTON	756,852	127,588
WESTPORT	2,378,961	738,130
WESTWOOD	1,009,097	607,710
WEYMOUTH	11,892,728	7,574,281
WHATELY	122,099	0
WHITMAN	4,027,088	222,754
WILBRAHAM	2,002,536	0
WILLIAMSBURG	454,715	0
WILLIAMSTOWN	1,012,043	334,589
WILMINGTON	1,621,818	2,723,801
WINCHENDON	3,627,865	48,988
WINCHESTER	1,715,218	1,430,960
WINDSOR	14,354	70,455
WINTHROP	3,082,732	4,553,234
WOBURN	2,614,450	7,074,680
WORCESTER	53,948,420	31,294,156
WORTHINGTON	34,499	0
WRENTHAM	1,288,707	277,241
YARMOUTH	412,867	291,510

Regional School Districts	Line Items— 7061-0008	7061-0003
ACTON-BOXBOROUGH	763,203	861,217

	Line Items	
Regional School Districts	7061-0008	7061-0003
ADAMS-CHESHIRE	2,204,646	2,569,189
AMHERST-PELHAM	2,324,468	1,787,769
ASHBURNHAM-WESTMINSTER	1,315,758	2,247,903
ASHFIELD-PLAINFIELD	117,082	179,077
ATHOL-ROYALSTON	2,812,431	2,278,852
BERKSHIRE HILLS	742,027	778,297
BERLIN-BOYLSTON	275,235	318,535
BLACKSTONE-MILLVILLE	2,100,285	2,815,634
BRIDGEWATER-RAYNHAM	1,276,209	1,604,840
BUCKLAND-SHELBURNE	388,062	347,607
CENTRAL BERKSHIRE	1,125,093	2,748,685
CONCORD-CARLISLE	486,007	455,422
DENNIS-YARMOUTH	1,533,794	1,317,900
DIGHTON-REHOBOTH	2,885,399	3,674,674
DOVER-SHERBORN	317,809	321,837
DUDLEY-CHARLTON	2,817,404	3,560,011
NAUSET	584,490	368,259
FREETOWN-LAKEVILLE	1,018,461	1,612,899
FRONTIER	231,466	363,421
GATEWAY	1,030,628	2,188,285
GROTON-DUNSTABLE	675,890	1,421,190
GILL-MONTAGUE	1,340,268	1,908,334
HAMILTON-WENHAM	689,895	793,135
HAMPDEN-WILBRAHAM	757,027	1,147,577
HAMPSHIRE	498,621	711,425
HAWLEMONT	43,139	109,706
KING PHILIP	1,316,318	1,444,967
LINCOLN-SUDBURY	707,774	494,300
MARTHA'S VINEYARD	199,197	189,950
MASCONOMET	729,947	703,193
MENDON-UPTON	771,462	1,450,977
MOUNT GREYLOCK	711,466	789,655
MOHAWK TRAIL	406,329	676,742

Regional School Districts	Line Items 7061-0008	7061-0003
NARRAGANSETT	1,584,779	2,004,908
NASHOBA	302,348	521,362
NEW SALEM-WENDELL	113,382	137,128
NORTHBORO-SOUTHBORO	338,257	629,195
NORTH MIDDLESEX	3,214,797	5,159,679
OLD ROCHESTER	355,014	485,415
PENTUCKET	864,955	1,188,266
PIONEER	121,567	399,968
PLYMOUTH-CARVER	1,344,050	2,068,122
QUABBIN	2,347,703	2,597,305
RALPH C. MAHAR	995,370	1,075,503
SILVER LAKE	2,444,492	2,394,109
SOUTHERN BERKSHIRE	402,598	357,842
SPENCER-EAST BROOKFIELD	4,365,105	3,295,773
TANTASQUA	904,398	1,313,587
TRITON	474,685	726,679
WACHUSETT	1,063,609	1,749,185
WARREN-WEST BROOKFIELD	660,342	676,780
WHITMAN-HANSON	1,597,932	1,528,749
ASSABET VALLEY	1,586,408	891,461
BLACKSTONE VALLEY	1,751,290	888,302
BLUE HILLS	2,230,940	615,138
BRISTOL-PLYMOUTH	1,774,885	1,299,895
CAPE COD	1,220,606	317,446
QUINOBIN	0	0
FRANKLIN COUNTY	673,936	859,475
GREATER FALL RIVER	2,489,405	1,088,013
GREATER LAWRENCE	3,899,247	1,888,437
GREATER NEW BEDFORD	4,753,136	2,388,441
GREATER LOWELL	5,068,444	3,241,754
SOUTH MIDDLESEX	1,517,367	578,418
MINUTEMAN	1,638,749	438,394
MONTACHUSETT	2,515,945	1,363,278

	Line Items	
Regional School Districts	7061-0008	7061-0003
NORTHERN BERKSHIRE	1,078,788	695,891
NASHOBA VALLEY	983,741	712,201
NORTHEAST METROPOLITAN	2,007,889	950,000
NORTH SHORE	768,615	213,947
OLD COLONY	950,354	721,582
PATHFINDER	623,329	586,622
SHAWSHEEN VALLEY	1,736,652	1,022,509
SOUTHEASTERN	3,087,855	1,431,476
SOUTH SHORE	767,535	670,283
SOUTHERN WORCESTER	1,825,127	1,272,886
TRI COUNTY	1,096,754	849,525
UPPER CAPE COD	508,650	156,557
WHITTIER	2,661,936	1,523,464
BRISTOL COUNTY	519,704	0
ESSEX COUNTY	1,069,308	0
NORFOLK COUNTY	381,251	0

SECTION 4. 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-six 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 5. 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 thirtieth and December thirty-first, nineteen hundred and eighty-eight, and March thirty-first and June thirtieth, nineteen hundred and eighty-nine.

The fiscal year nineteen hundred and eighty-nine 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-eight in accordance with the provisions of section six of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven.

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 thirtieth, nineteen hundred and eighty-eight; December thirty-first, nineteen hundred and eighty-eight; and March thirty-first, nineteen hundred and eighty-nine an amount equal to one quarter of the base distribution. On June thirtieth, nineteen hundred and eighty-nine, the treasurer shall pay an amount equal to one quarter of the base distribution, plus or minus the incremental adjustment.

SECTION 6. On June thirtieth, nineteen hundred and eighty-nine, 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 7. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of revenue shall file a report on the amount of tax revenues collected by the commonwealth during the preceding month. The report shall specify the amount collected by revenue source, a comparison of the revenues collected with the amounts collected during the same period in the prior fiscal year, revised revenue projections for the remainder of the fiscal year and an explanation of said revisions. Said report shall be filed on or before the eighth working day of each month with the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means.

SECTION 8. Notwithstanding the provisions of 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-nine, 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 the provisions of section thirty of chapter thirty-five or of section twenty A of chapter fifty-nine of the General Laws, the limit on each county's tax against cities and towns for the fiscal year beginning July first, nineteen hundred and eighty-eight, shall be reduced below the amount established by said section thirty and said section twenty A by the amount distributed to each county from the funds appropriated in item 1599-3658 of section two of this act.

SECTION 10. 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 of this act 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, to the governor, and to the Massachusetts commission against discrimination.

SECTION 11. 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-nine on or before August fifteenth, nineteen hundred and eighty-eight.

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-nine.

The commissioner of administration shall file the most recently approved amended schedules of positions no later than September fifteenth, nineteen hundred and eighty-eight 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-eight 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, and the office of the state treasurer, supreme judicial court and the judicial conduct commission.

SECTION 12. In addition to the requirements of section twenty-nine A of chapter twenty-nine of the General Laws, 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, the length of time said services shall be required, and a signed statement by the secretary of the agency that the services being contracted for cannot be performed by an existing employee 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 with which said consultant is employed.

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 the name of the agency and department for which the service is provided.

SECTION 13. 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 14. During fiscal year nineteen hundred and eighty-nine, notwithstanding the provisions of any general or special law to the contrary, payments for fiscal year nineteen hundred and eighty-eight 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 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 hundred and fifty E of the General Laws, may, at the discretion of the secretary of administration and finance, be charged to items of appropriation for fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine.

SECTION 15. 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 ninety 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 ninety 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 ninety cost increment factors.

SECTION 16. Single subsidiary accounts of "00 Subsidiary Expenditures" shall apply to the general court, 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 the following items of section two of this act: 0200-0100, 0330-0300, 0511-0000, 0610-0000, 0710-0000, 0810-0000, 0900-0100, 2000-0100.

Except as otherwise provided in section eleven 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 17. 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 18. 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 of this act; provided, however, that the above provisions shall not apply to new programs funded in items 4110-1020, 4110-2010, 4120-0012, 4130-0005, 4202-0021, 4349-0008, 4510-0710, 4512-0103, 4512-0200, 4513-1000, 4513-1002, 4800-0028, 4800-0060, 4800-0200, 5011-0006, 5046-0000, 5047-0000, 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 six month funding; 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 19. 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.

SECTION 20. 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 ninety, 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 21. Notwithstanding the provisions of any general or special law to the contrary, the budget director shall file a report, on or before December first, nineteen hundred and eighty-eight and monthly thereafter, describing by line-item account the amount anticipated as an unencumbered balance of the appropriation at the end of the fiscal year. The report shall include on a line-item basis an explanation of why the identified amounts will be available to be reverted. Said report shall be filed with the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means.

SECTION 22. 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, 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 23. 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 one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven 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-eight.

SECTION 24. 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-eight, 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-eight, 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 25. Notwithstanding the provisions of any general or special law to the contrary, monies received by the commonwealth from rentals, commission fees, and 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 to be expended as provided in item 1102-3214 of subsection (3) of section two A of the act.

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 26. 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 said building and deposit the same in the Springfield State Office Building Management Fund, to be expended as provided in item 1102-5231 of subsection (3) of section two A of this act.

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 27. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller shall, on or before December thirtieth, nineteen hundred and eighty-eight, develop and implement a payment system and regulations for intragovernmental fiscal transactions. Said system shall require agencies that purchase goods or services from other agencies to remit fiscal obligations within thirty days of receipt of notice of said obligation.

After December thirtieth, nineteen hundred and eighty-eight, the state comptroller shall submit a monthly report to the house and senate committees on ways and means listing those agencies which do not meet the thirty day payment obligation. Said report shall also include but not be limited to the identification of the agency receiving said goods or services and the agency providing said goods or services, provided that said agencies are referenced by name and by line-item number, the goods or services provided, and the amount of outstanding obligation.

SECTION 28. 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 general court, for the cost of computer resources and services provided by the office of management information systems' bureau of computer services. The cost of each computer resource or service shall be determined by a rate structure which shall be established annually by the commissioner of administration on or before August first for the subsequent fiscal year. Resources shall include, but not be limited to, computer hours, on-line storage, tape storage, tape 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 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 bureau shall determine the amount of all direct and indirect expenditures relating to the activities of the bureau and the operation of the bureau's data center during a base fiscal year, which shall be fiscal year nineteen hundred and eighty-seven, and the portion of such amount reasonably allocable to each agency of the commonwealth that used the bureau's services or facility during the fiscal year. The bureau shall allocate one-twelfth of each agency's portion to the agency monthly and shall show the allocation as a credit on the agency's monthly invoices. The commissioner of administration shall establish procedures to provide monthly credits to first time users of statewide systems and annualization of these credits in succeeding fiscal years, to adjust agency credits as necessary to match allocated credits to the bureau's costs. The comptroller shall charge the difference between an agency's monthly charge and its monthly credit to the agency's appropriation accounts in each case in which the monthly charge exceeds the 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 billed to but not yet paid by agencies, 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 ninety 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 29. Notwithstanding the provisions of 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, 2330-0100, 2330-0310, 2350-0100, 2440-0032, 2520-0300, 2520-0900, 2520-1000, 2520-1100, 2520-1200, 2520-1300, 2520-1400, 2520-1500, 4311-0007, and 4349-0001 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 30. 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-nine 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 31. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is authorized and directed to charge agencies for a portion, as set forth below, of the workers' compensation costs incurred on behalf of the employees of said agencies. The division of public employee retirement administration shall determine, by July first, nineteen hundred and eighty-eight, the amount of workers' compensation costs incurred by the state's account for the purposes of workers' compensation paid to public employees in fiscal year nineteen hundred and eighty-eight on behalf of each state agency. The division of public employee retirement administration then will allocate to each agency a monthly workers' compensation credit equaling ninety per cent of one-twelfth of their fiscal year nineteen hundred and eighty-eight workers' compensation costs.

When an agency has incurred monthly workers' compensation costs which exceed the amount of its monthly credit, the comptroller shall charge the difference between the agency's workers' compensation costs and its credit to the agency's appropriation accounts and transfer this amount to the state's account for the purposes of workers' compensation paid to public employees for any additional costs incurred during the fiscal year. The division of public employee retirement administration may expend any amounts collected from all agencies under this workers' compensation chargeback, not to exceed five million dollars, to pay for the hospital, physician, benefits and other costs normally paid out of this account subject to item 1108-6200 of subsection (3) of section two A of this act, without further appropriation. Should the amount of an agency's monthly credit exceed its monthly workers' compensation costs, the difference shall be applied as a credit to the next invoice, provided that no credits shall be carried forward into the following fiscal year.

The commissioner of administration is authorized to establish regulations and procedures to implement this section, including those procedures necessary to adjust charges to any agency which incurred no workers' compensation costs in fiscal year nineteen hundred and eighty-eight to reflect monthly credits reasonably based upon size of said agency's staff and their functions, provided, however, that all regulations and procedures to further implement this section and amendments thereto shall be filed with the house and senate committees on ways and means prior to implementation. The commissioner of administration shall file a monthly report with the house and senate committees on ways and means. Said report shall include the monthly credit allocation, monthly charge, and the balance of each agency's credit level for the year to date.

SECTION 32. 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; and (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. To defray the costs to the commonwealth of complying with the provisions of this section, the commissioner of administration is hereby authorized to make an assessment against each state authority subject to the reporting requirements of this section sufficient to produce an annual amount from all such state authorities equal to two hundred thousand dollars. This amount shall be assessed proportionally against each such state authority, in the ratio of the reported amount of authorized, unissued, and outstanding bonds and notes of each authority as of the end of the preceding fiscal year to the total reported amount of authorized, unissued, and outstanding bonds and notes of all such authorities as of the end of the preceding fiscal year. The commissioner shall annually bill each such state authority on or before March first for such assessment. Upon receipt of said bill, each state authority shall within thirty days pay said assessment to the commissioner, provided that all amounts so received shall be credited to the General Fund. The commissioner is further authorized to assess against such authorities in fiscal year nineteen hundred and eighty-nine an additional amount of two hundred thousand dollars, to be credited to the General Fund, in order to defray the costs of complying with the provisions of section forty-six of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, such amount to be assessed in accordance with the provisions of this section.

SECTION 33. The secretary of administration and finance is hereby authorized and directed to conduct or to contract for a study of the commonwealth's administrative, managerial and statutory structure and processes for the design, construction and renovation of state buildings and the acquisition and disposition of real property by the state. Said study shall assess the advantages and deficiencies of said structure and processes in terms of their fiscal impact, timeliness of completion, effectiveness and efficiency and any other criteria deemed important by the secretary of administration and finance in meeting the capital construction and property acquisition needs of the commonwealth. Said secretary shall file said study, along with legislation to effect the recommendations of said study with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on state administration by February first, nineteen hundred and eighty-nine.

SECTION 34. The secretary of administration and finance is hereby authorized and directed to initiate a study of the fiscal and governance mechanisms of the Massachusetts Port Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike Authority, and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, and 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, nineteen hundred and eighty-nine, and nineteen hundred and ninety, 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 December first, nineteen hundred and eighty-eight.

SECTION 35. 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 division of 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 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 Joint Information Management 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 administration of the commonwealth's personnel systems; provided, however, that the undersecretary shall report said recommendations by filing a report with the clerk of the house of representatives on or before December first of each year commencing December first, nineteen hundred and eighty-eight;

(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 pro-

visions 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 noncompliance;

(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;

(xix) producing or causing to be produced periodic reports of the number and percentage of employees receiving "step" raises, so-called, the number and percentage of state employees eligible and the number and percentage of employees receiving "merit" bonuses, so-called, and the number and percentage of state managers receiving "merit" bonuses, so-called, provided, that said undersecretary shall file at least one such report with the house and senate committees on ways and means on or before September first, nineteen hundred and eighty-eight.

For the purpose 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 36. 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; 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-nine.

SECTION 37. 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; and (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 April first, nineteen hundred and eighty-nine, which shall include an outline of the office's long-range plans for carrying out the provisions of this section, and a review of the success or failure of the office in meeting the following long-range performance objectives:

by the first of November nineteen hundred and eighty-eight, (1) a model pricing scheme and performance measures for use in fiscal year nineteen hundred and eighty-nine state contracts used to pilot test performance contracting, and (2) a long-range capitalization plan for human services providers;

by the first of January, nineteen hundred and eighty-nine, (1) implementation of the capitalization plan, (2) a multi-year financial plan for state-wide implementation of performance contracting, and (3) a plan for the implementation of substitute or community-based services;

by the first of April nineteen hundred and eighty-nine, (1) performance measures and a model pricing scheme for all fiscal year nineteen hundred and ninety performance contracts, (2) the issuance of a request-for-proposal for the creation of an institute of community-based services, and (3) a plan for the implementation of a uniform financial reporting format;

and, by the first of June, nineteen hundred and eighty-nine, the promulgation of a uniform financial reporting format for all social and rehabilitative service providers.

SECTION 38. 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-nine, 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, 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. Energy management contracts that include cogeneration projects shall include terms of twenty years or less.

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-nine, 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 terms most favorable 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 39. 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 the attorney general by October first, nineteen hundred and eighty-eight. 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 40. 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-eight and June thirtieth, nineteen hundred and eighty-nine, 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 41. 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 findings and recommendations of such inventory shall be submitted to the house and senate committees on ways and means and the joint committee on state administration by October first, nineteen hundred and eighty-eight.

SECTION 42. Notwithstanding the provisions of section forty B of chapter seven of the General Laws or any other general or special law to the contrary, state agencies shall have control and supervision of projects funded by this act involving renovation and maintenance of their buildings, structures or utilities, to the extent that the estimated cost of the project is less than seventy-five thousand dollars, or the project does not involve structural or mechanical work; provided, that the deputy commissioner of the division of capital planning and operations may, upon request of a state agency, delegate control and supervision of a building project to a state agency, on a case-by-case basis, to the extent that such project is estimated to cost less than one hundred and fifty thousand dollars, and if said deputy commissioner determines that the requesting agency has the ability to manage such project competently and efficiently.

SECTION 43. Notwithstanding the provisions of any general or special law to the contrary, on or before January first, nineteen hundred and eighty-nine the commissioner of administration shall file with the house and senate committees on ways and means a five year plan of expenditures for all existing capital authorizations, by authorization, and a five year plan for the sale of bonds required to meet said expenditures, including estimates of debt service expenditures required by said bond sales and an analysis of the commonwealth's ability to meet these future debt service expenditures. Said report shall be updated annually.

Whenever the governor submits a request for capital outlay expenditures in accordance with section seven A of chapter

twenty-nine of the General Laws he shall include, in addition to the documents required by said section seven A, a report projecting the estimated timing of all expenditures related to said capital outlay and the estimated timing and amounts of bonds to be sold under said authorization. Said report shall include (1) projected debt service cost for not less than ten years for all existing capital authorizations, (2) the cumulative impact on debt service of all capital authorizations pending before the legislature and (3) the additional cumulative impact on debt service of the request being filed. The clerks of the house of representatives and the senate shall not accept for filling any request for capital outlay authorizations unless said report is attached thereto.

SECTION 44. 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 45. 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 A of chapter nine of the General Laws.

SECTION 46. 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: 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 office shall further develop a monitoring and evaluation process for human service purchased service contracts, develop standards, consistent with guidelines and standards established by said office of purchased services, 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.

For fiscal year nineteen hundred and ninety, the office of auditing and accounts shall establish financial and performance audit guidelines and standards, consistent with guidelines and standards established by the office of purchased services within the executive office of administration and finance, for the purpose of applying said guidelines to all social and rehabilitative services. Such guidelines and standards shall also be applied by the rate setting commission to all social and rehabilitative services, unless otherwise determined by the office of purchased services.

For fiscal year nineteen hundred and eighty-nine, the office of auditing and accounts shall after consultation with the office of purchased services execute an interagency agreement with the rate setting commission for the purpose of applying the audit guidelines and standards established by the office of auditing and accounts to all auditing functions within the rate setting commission that are relevant to social and rehabilitative services. The office of auditing and accounts shall submit such an agreement to the house and senate committees on ways and means not later than sixty days after the passage of this act.

SECTION 47. As a condition for the receipt of a county correction operational grant pursuant to item 4000-0780 in section two of this act, 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-eight, as set forth in section one hundred and seventeen of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, plus a minimum increase of two and one-half per cent over said expenditures. 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 said 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.

SECTION 48. Notwithstanding the provisions of any general or special law to the contrary, the rate setting commission shall develop rates for all social, special educational, habilitative, rehabilitative, mental health, mental retardation, employment, and elder services otherwise subject to its jurisdiction, in accordance with policies and procedures developed or approved by the executive office for administration and finance's office of purchased services.

For fiscal years nineteen hundred eighty-nine and ninety, the rate setting commission, unless directed otherwise by the office of purchased services, shall develop pricing guidelines which shall govern agency contract negotiations. Said guidelines shall be developed and issued by the commission no later than December thirty-first, nineteen hundred and eighty-eight. Fiscal year nineteen hundred and ninety 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-nine 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 49. In determining rates to be paid to providers of private educational services and accommodations provided pursuant to chapter seventy-one B of the General Laws, the commission shall set rates annually by the first Wednesday in February, nineteen hundred and eighty-nine, and no such rate shall be retroactive; provided, however, that nothing in this section shall prohibit an operating agency from applying for extraordinary relief pursuant to regulations promulgated in accordance with the provisions of section thirty-two of chapter six A.

SECTION 50. 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 a 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-nine.

SECTION 51. Notwithstanding the provisions of any 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 4513-1905 of section two of this act.

SECTION 52. By September first, nineteen hundred and eighty-eight, the rate setting commission shall estimate any per-

centage change in rates or fiscal impact of any changes in regulations for the balance of fiscal year nineteen hundred and eighty-nine for every provider and program under its jurisdiction. The commissioner shall file a report of such percentage changes in provider rates and the impact of changes in regulation as compared to current rates or regulations for such providers with the executive office of administration and finance, the executive office of human services, and the house and senate committees on ways and means.

By September first, nineteen hundred and eighty-eight, the public health council shall estimate the cost to the commonwealth of the rules and regulations to be promulgated by the council for the balance of fiscal year nineteen hundred and eighty-nine relative to services provided under the medical assistance program. The council shall file a report with the executive office of administration and finance, the executive office of human services, and the house and senate committees on ways and means. The council shall also consider the cost to the commonwealth of each certificate issued under the provisions of section fifty-one of chapter one hundred and eleven of the General Laws and shall include an estimate of the said cost of each such certificate.

If rates or regulations to be promulgated by the commission or regulations to be promulgated by the council will result in percentage changes in excess of the September estimates or, if rates or regulations will change for provider types not included in said estimates, any such rates or regulations shall be submitted to the executive office of administration and finance for prior approval.

The commission and the council shall file estimates as prescribed by this section for fiscal year nineteen hundred and ninety by November first, nineteen hundred and eighty-eight, with the executive office of administration and finance, with the executive office of human services, and with the house and senate committees on ways and means. The budget recommendations submitted by the governor pursuant to section seven H of chapter twenty-nine of the General Laws for fiscal year nineteen hundred and ninety shall reflect costs attributable to such estimated percentage increases of rates or the fiscal impact of changes in regulations or shall include an explanation as to why said budget recommendations are not consistent with the estimated increases reflected in the commission's report.

SECTION 53. The rate setting commission shall file a report in October of each year with the executive office for administration and finance, the executive office of human services, and the house and senate committees on ways and means. The report shall analyze the financial impact on the commonwealth of any increases in acute hospital charges or revenues attributable to changes in reimbursement enacted by chapter 23 of the acts of nineteen hundred and eighty-seven and any other increases in hospital charges beginning in fiscal year nineteen hundred and eighty-eight. The commission's report shall include, but not be limited to, increased insurance premiums paid on behalf of and by the commonwealth's employees; increased cost of the commonwealth's contracts for services, including human services; increased medical assistance rates attributable to inflationary pressures; and increased local aid. The report shall also analyze the financial impact on municipalities of the hospital revenue increases referred to in this section.

SECTION 54. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts rehabilitation commission shall adopt regulations for the employment of handicapped persons by public agencies and by providers and contractors under contract with public agencies. Said regulations shall establish and provide for a system of notification of job vacancies that shall ensure that handicapped persons and facilities and programs serving mentally ill,

mentally retarded and other handicapped persons are given timely information regarding job vacancies, and, subject to appropriation, shall provide for appropriate training, support and informational services designed to increase the employment of such handicapped persons.

SECTION 55. In addition to the bureau of transitional planning's responsibilities under the provisions of section twelve A to twelve C, inclusive, of chapter seventy-one B of the General Laws and notwithstanding the provisions of any other general or special law to the contrary, the bureau of transitional planning shall plan and implement a pilot program to include but not be limited to nursing home care for multiple-handicapped young adults who are residing in pediatric nursing homes and who have attained the age of twenty-two years on or before the effective date of this act. The bureau of transitional planning shall submit a plan for the pilot program to the transitional advisory committee which shall propose guidelines for the operation of the program including recommendations for resolving any interagency issues necessary to implement the program. The plan for the pilot program shall be approved by the transitional advisory committee and reported to the joint committee on health care and the house and senate committees on ways and means within six months of the effective date of this act; and the pilot program described therein shall be established within three months of said reporting. The bureau of transitional planning shall report the results of the pilot program and its long-term recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the joint committee on health care and the house and senate committees on ways and means on or before September first, nineteen hundred and eighty-nine.

SECTION 56. 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 of such person. The words "fiduciary" and "fund" 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 57. Notwithstanding the provisions of any general or special law to the contrary, the division of handicapped children of the department of public health shall submit by January first, nineteen hundred and eighty-nine, a status report on the transition process of services as recommended by project serve, convened by the department of public health in nineteen hundred and eighty-three. Said report shall include, but not be limited to, total state and federal dollars spent on operating state funded clinics, a listing of employees funded in item 4513-1000 of section two of this act who are employed in said clinics, a plan for the deployment of the staff and a long term plan for the entire transition process including potential savings and proposals on how said savings might be reallocated to expand support services for families with a child with a disability or chronic illness.

SECTION 58. The department of public welfare shall submit to the house and senate committees on ways and means within thirty days of the effective date of this act, a detailed report for fiscal year nineteen hundred and eighty-eight and quarterly reports thereafter for fiscal year nineteen hundred and eighty-nine, which shall include, but not be limited to, total payments under the emergency assistance program, the total number of families and persons served in said program, including the average expenditures per client in the following categories of assistance: rent, mortgage arrearages, moving expense, utility services, fuel and public housing or public assisted housing. Said report shall also include a numerical breakdown, by service offices, of utilization of said program by clients, and the total number of families and recipients who have received any category of assistance more than once within the same or previous calendar year. Said department shall undertake managerial and programmatic initiatives to ensure the effective management and control of said emergency assistance program and provide details of such initiatives and controls in said reports; provided, that the department shall expend no funds for new permanent or temporary shelters without prior notice to the house and senate committees on ways and means, provided, further, that the department shall submit to the house and senate committees on ways and means by January first, nineteen hundred and eighty-nine, a plan to phase out the use of hotels and motels as emergency shelters by July first, nineteen hundred and ninety, except that said plan may provide for the use of hotels and motels after July first, nineteen hundred and ninety for no more than twenty-five families in any month if circumstances so require.

SECTION 59. 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 60. The medical assistance income standard under section one of chapter one hundred and eighteen E of the General Laws for women during pregnancy and during a sixty day period beginning on the last day of pregnancy, and for children up to the age of one year, 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; for children who have attained the age of one year but not five years of age, said standard shall be one hundred per cent of the non-farm income poverty guidelines as so prescribed. Medical assistance may be extended to children who reach the age of one or who reach the age of five if such children are residing in an acute-care hospital at the time said upper age limits are attained; provided, however, that such coverage shall extend only for so long as the child resides in an acute-care hospital. No resource standard shall be applied to groups described in this paragraph, and a pregnant woman shall remain eligible throughout the pregnancy and for sixty days post-partum without regard to changes in income of the family of which she is a member.

Said 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 income poverty guidelines prescribed by the United States office of management and budget.

SECTION 61. Notwithstanding the provisions of section fifty-one D of chapter one hundred and eleven of the General Laws

or any general or special law to the contrary, no acute hospital shall impose any discriminatory restrictions or conditions relating to admission, availability of services, treatment, transfer or discharge with respect to any patient because that patient is a medicare beneficiary or a beneficiary of any other federal or state program which provides payment for medical coverage.

SECTION 62. 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.

SECTION 63. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the nonprofit hospital service corporation governed by chapter one hundred and seventy-six A of the General Laws and the medical service corporation governed by chapter one hundred and seventy-six B of the General Laws shall offer a group medicare supplement to that group of medicaid patients designated from time to time by the department of public welfare. Such coverage shall be provided at the rates applicable to individuals for similar coverage, known as the "group rate".

SECTION 64. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, those insurers who offer policies of accident and sickness insurance are required to offer a group medicare supplement to that group of medicaid patients designated from time to time by the department of public welfare. Such insurers shall provide such coverage at the rates applicable to individuals for similar coverage, known as the "group rate".

SECTION 65. The office of auditing and accounts within the executive office of human service's purchase of service division shall conduct an audit and evaluation of the existing day care programs of the department of social services and the department of public welfare. Said audit shall include, but not be limited to, the status and effectiveness of the existing alternating intake system, the status of the eligibility requirements under the current sliding fee scale, the correlation between a recipient's need and the level of service provided, and a summary of the manner in which rates are set for said programs. Said audit shall also address the voucher day care system, specifically: the factors contributing to the growth of the voucher day care system, the impact that voucher conversions have had on the total available number of contract slots, so-called, the possibility of federal reimbursement if the voucher system were converted to a special needs allowance for AFDC recipients, and the feasibility of administering the voucher system as a contract system as a means of imposing programmatic and fiscal controls. The results of the audit shall be filed with the clerk of the house of representatives and the clerk of the senate by April thirtieth, nineteen hundred and eighty-nine.

SECTION 66. 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 quarterly with the commissioner of the department of social services, the commissioner of the office for children and the house and senate committees on ways and means, which shall include a summary of the expenditure to date of funds for assistance to certain families as provided in item 4130-0005 of section two of this act as well as a summary and evaluation of task force accomplishments to date. Said report shall be filed on or before October first, nineteen hundred and eighty-eight; January first, nineteen hundred and eighty-nine; April first, nineteen hundred and eighty-nine; and July first, nineteen hundred and eighty-nine; provided, further, that said task force shall on or before February first, nineteen hundred and eighty-nine submit to the house and senate committees on ways and means a report detailing a plan to address the existing problem of day care affordability in the commonwealth.

SECTION 67. 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, 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. In making residential placements of individuals between the ages of nineteen and twenty-two, the department shall consider the age and service needs of the individual to be placed in the placement determination.

SECTION 68. The comprehensive state-wide plan developed pursuant to the provisions of section seventy-nine of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven shall provide that services to medically ill, mentally ill patients are provided in the most age-appropriate and disability-appropriate settings, consistent with the mental

health needs of the patients. Said plan shall provide for specialized medical/mental health residential programs to meet the needs of identified individuals and shall provide, to every extent possible, for the utilization of community residential placements with medical care components and for the utilization of specialized units within general hospitals.

The department of mental health shall, subject to appropriation, be responsible for the direct provision of or the contracting for services for and the provision of case management and individual service planning to all identified individuals with either serious or long-term mental health or behavioral needs; provided, that the department of mental retardation shall be responsible for service provision, case management and service planning for identified individuals with a diagnosis of mental retardation.

The executive office of human services shall file an interagency memorandum of agreement necessary to fully implement the provisions of this section with the house and senate committees on ways and means on or before July thirty-first, nineteen hundred and eighty-eight.

SECTION 69. 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 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 the house and senate committees on ways and means. Said departments shall report annually to said committees on the status of such construction, renovation and rehabilitation projects including any revisions to the cost schedule.

SECTION 70. The commissioner of mental retardation is hereby authorized and directed to conduct a study of the feasibility of consolidating the administration, operation and facilities of the Wrentham, Dever, Munson, and Belchertown state schools. The commissioner shall report the results of said study and her recommendations, if any, together with drafts of legislation necessary to carry out such recommendations by filing the same with the joint special commission on the division of the department of mental health on or before January thirtieth, in the year nineteen hundred and eighty-nine.

SECTION 71. Notwithstanding the provisions of any general or special law to the contrary, funds appropriated by item 5911-0025 of section two of this act, not to exceed one hundred thousand dollars, shall be expended in accordance with the provisions of chapter six hundred and thirty-three of the acts of nineteen hundred and eighty-seven.

The department of mental retardation shall make an investigation and study of the transportation reimbursement program established pursuant to said chapter six hundred and thirty-three. Said study shall include, but not be limited to a determination of reasonable transportation costs, a determination of the feasibility and effect of instituting a sliding fee scale, projections of the annual number of eligible mentally retarded adults and the projected annual cost of reimbursing such adults. Said department 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 October thirty-first, nineteen hundred and eighty-eight.

SECTION 72. Funds appropriated in item 4000-0770 of section two of this act, which shall be transferred based on the

number of '07' full time equivalent employees 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 employees of '07' 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 all 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-nine; provided further, that all costs for such salary increases during fiscal year nineteen hundred and eighty-nine shall be provided for within this appropriation act or by funds previously appropriated for human service purposes; provided, that the first three and eight-tenths per cent increase of any employee salary increase shall not come from this reserve, but shall come from agency line item appropriations. Salary increases funded by this account and any other item of appropriation shall be limited to employees of '07' private human service providers, as defined by the rate setting commission. All funds received by an '07' provider agency shall be prioritized by it accordingly: (1) all direct care employees and first line supervisory staff employees whose yearly salary is below fifteen thousand dollars; (2) all direct care employees and first line supervisory staff employees whose yearly salary is above fifteen thousand dollars; (3) all non-direct care employees whose yearly salary is below fifteen thousand dollars; and; (4) all non-direct care employees whose yearly salary is above fifteen thousand dollars; provided, further, that no employee except those specified herein shall be excluded from receiving a salary increase. Employees of '07' contracted social and rehabilitative programs whose yearly salary exceeds thirty thousand dollars shall not be eligible for receiving an award from item 4000-0770 of section two of this act. 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 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 position, and the amount of other funding which has been reallocated for salary increases, to the house and senate committees on ways and means no later than thirty days after the award of any salary upgrading funds.

SECTION 73. 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 said treasurer willfully renders false information in reply to such request, such 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 deposits 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 ac-

cordance 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 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 74. Notwithstanding the provisions of chapter two hundred and fifty-eight B of the General Laws or any 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 to the parole board, to district attorneys to fund multi-disciplinary teams responsible for child sexual abuse litigation, and to the office of the treasurer for the compensation of victims of violent crime.

Notwithstanding the provisions of section forty-nine of chapter ten of the General Laws or any other general or special law to the contrary, all funds collected pursuant to section eight of chapter two hundred and fifty-eight B of the General Laws shall be deposited and retained in the victim and witness fund and may be expended in accordance with applicable law and the provisions of this section.

SECTION 75. *Notwithstanding the provisions of any general or special law to the contrary, one hundred per cent of item* 0611-5000 of section two of this act shall be funded by the victim and witness assistance fund.

SECTION 76. Notwithstanding the provision of any general or special law to the contrary, the director of the division of employment security may enter into an agreement with the United States Secretary of Labor to conduct a three-year self-employment demonstration project as provided in the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203, Section 9152. Under this demonstration project, the division may pay self-employment allowances to eligible individuals from the unemployment compensation fund in lieu of their regular or extended unemployment compensation and in the same amount, in the same terms and subject to the same conditions as regular or extended unemployment compensation. The costs of the project to the unemployment trust fund shall not exceed the costs that would have been incurred had the state not participated in the project.

To the extent required by said section 9152, the director may waive or modify eligibility requirements and conditions for disqualification under chapter one hundred and fifty-one A of the General Laws to permit the division to pay self-employment allowances to individuals who participate in the demonstration project and meet other applicable state and federal requirements regarding the payment of unemployment compensation. The director may consider individuals participating in the demonstration project as unemployed for purposes of their eligibility for unemployment compensation under said chapter one hundred and fifty-one A. The number of participants shall be limited during a fiscal year to the lesser of: three per cent of the number of individuals eligible to receive regular benefits at the beginning of such fiscal year or the number of persons who exhausted their unemployment insurance benefits in the previous fiscal year.

SECTION 77. There shall be established within the executive branch a MASSJOBS council, hereinafter called the council. Said council shall consist of the secretary of manpower affairs, the secretary of labor, the secretary of human services, the secretary of communities and development, the commissioner of education, the chancellor of the board of regents, the chairpersons of the house and senate committees on ways and means or their designees, and the senate president and the house speaker or their designees. In addition, the governor shall appoint up to thirteen members from organized labor,

business and industry, state or local government, service providers, client groups, regional employment boards, and community based organizations. The members appointed by the governor shall serve for a term of three years, the appointments to be staggered so that four of the original appointees shall serve a term of three years, four appointees shall serve a term of two years, and the remaining appointees shall serve a term of one year. Upon expiration of the term of a member, a successor shall be appointed, in the same manner, for a like term. Any member shall be eligible for reappointment. Vacancies shall be filled in a like manner for the remainder of the unexpired term. Said council shall be co-chaired by the secretary of manpower affairs and a private sector representative appointed by the governor.

The council shall establish policies for and coordinate all employment, training, and employment-related education programs within the commonwealth, including but not limited to Job Training Partnership Act sponsored training and employment-related education programs, employment programs under the federal Wagner-Peyser Act, adult basic education programs, employment-related secondary education programs, state-sponsored technical skills training programs, employment related community college programs, vocational educational programs, and all other training, employment-related education, and placement programs serving youth and targeted groups.

The duties of the council shall be to establish system-wide policies and performance goals, communicate uniform policies and information to all agencies within the system, standardize and coordinate program planning and funding processes, recommend structural and procedural changes, review industrial and occupational trends, and reconcile diverse agency goals and develop priorities among said goals.

By November thirtieth, nineteen hundred and eighty-eight, the council shall submit a long term strategic plan to the secretary of administration and finance and the house and senate committees on ways and means; said plan shall include: (1) recommendations for consolidation and streamlining of employment and training programs; (2) a statement of system-wide policies and performance goals for all employment, training and employment-related education programs operating within the commonwealth; (3) recommendations for system-wide coordination and the creation of an integrated employment and training system by June thirtieth, nineteen hundred and eighty-nine; and (4) budgetary recommendations necessary for full implementation of said employment and training strategic plan.

The council shall meet from time to time, but not less than four times annually. The council shall submit annually a report to the governor, clerk of the house of representatives, and clerk of the senate within one hundred and fifty days of the end of each fiscal year. Said report shall include: (1) an update of the long term strategic plan; (2) a statement of system-wide policies and performance goals; (3) an assessment of coordination; (4) an assessment of the status of on-going projects and programs; and (5) a review of short-term and long-term occupational demand within the commonwealth.

SECTION 78. (a) Notwithstanding the provisions of section seventeen of chapter six A or sections nine I to nine N, inclusive, of chapter twenty-three of the General Laws or any other general or special law to the contrary, the division of employment security shall be the lead state agency responsible for administering a wide array of training and employment programs, and shall administer the provisions of chapter one hundred and fifty-one A of the General Laws. The division shall provide training and retraining, placement services, unemployment compensation benefits, and other employment-related services to eligible individuals, including but not limited to Title IIA and Title IIB of the federal Job Training Partnership Act.

(b) By the first of January, nineteen hundred and eighty-nine the division shall develop a plan, approved by the MASSJOBS council created by section seventy-seven of this act, to achieve organizational and policy compatibility between the em-

ployment and training systems presently used by the division of employment security's central, regional and local offices, and that of the federal Job Training Partnership Act, as administered by the office of employment training and policy within the executive office of economic affairs. The plan may include interim measures, such as working agreements to coordinate components of the respective employment and training systems presently administered by the division of employment security and the office of employment training and policy, provided that the plan institute a permanent shared organizational structure and mission by the first of July, nineteen hundred and eighty-nine, and provided further that any interim measures proposed by the plan be fully implemented by the first of February, nineteen hundred and eighty-nine. The plan shall be submitted to the MASSJOBS council by the first of January, nineteen hundred and eighty-nine.

SECTION 79. Notwithstanding the provisions of any general or special law to the contrary, the division of employment security is hereby authorized and directed to conduct an investigation and study of feasible, cost effective economic conversion strategies for the following defense contract industries: Communications and Deduction Equipment (SIC 3662); Guided Missiles and Parts (SIC 376); Aircraft and Parts (SIC 372); Electron Tubes (SIC 3671); Scientific Instruments (SIC 3811); Electrical Test Instruments (SIC 3825); Optical Instruments (SIC 3832).

The division of employment security shall develop recommendations as to the most cost effective economic diversification models for Massachusetts firms. Said division shall report the results of its investigation and study by filing the same with the joint committee on commerce and labor and the house and senate committees on ways and means, and the clerks of the house of representatives and the senate on or before December first, nineteen hundred and eighty-nine.

SECTION 80. 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 Attleboro, Boston or Braintree by the Massachusetts bay transportation authority for fiscal years nineteen hundred and eighty-nine and nineteen hundred and ninety. 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 September fifteenth, nineteen hundred and eighty-eight.

SECTION 81. Notwithstanding the provisions of any general or special law to the contrary, monies normally distributed through item 6005-0027 and expended for the improvement of town and county ways pursuant to subdivision (a) of clause (2) of section thirty-four of chapter ninety and pursuant to clause (c) of section thirteen of chapter sixty-four A of the General Laws, may be expended for any purpose for which amounts contained in the highway fund may be expended.

SECTION 82. 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 also be charged, notwithstanding any provisions of said section forty-seven to the contrary.

SECTION 83. Notwithstanding any general or special law to the contrary, the commissioner of education shall designate those public schools in school districts eligible for equal educational opportunity grants, as determined by chapter seventy A of the General Laws, that are "most at risk" schools, as determined pursuant to guidelines promulgated by said commissioner, which guidelines shall include student body performance on the statewide basic skills and assessment tests, and other such school performance factors as the commissioner deems appropriate. The commissioner shall require all school districts that are eligible for equal educational opportunity grants and that contain one or more "most at risk" schools to: (1) give priority regarding the distribution of equal educational opportunity grants for a fiscal year, as that term is defined in section two of said chapter seventy A, to the "most at risk" schools within the school district; and (2) develop a plan, to be approved by the commissioner, for each "most at risk" school within the school district, outlining the specific uses of equal educational opportunity grants that will improve the learning and performance of students within these "most at risk" schools.

SECTION 84. 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 an 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-nine, 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-nine; 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; an accounting by city, town, regional school district, and where possible, private elementary and secondary schools of the types and values of donations received from such corporations as may benefit from the provisions of said section ten; a report on the status of the board's efforts to collect and evaluate data by local education agencies in accordance with the provisions of section forty-nine of chapter fifteen of the General Laws; 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 85. Notwithstanding the provisions of any general or special law to the contrary, the board of regents of higher education shall file semi-annual 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 86. 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 project; 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-nine 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 87. A special commission to consist of three members of the senate, and six members of the house of representatives is hereby established to make an investigation and study to propose an institutional methodology for identifying, evaluating, and terminating independent and quasi-public state authorities and programs which are either not cost-effective or which no longer perform necessary public functions. Said commission shall report the result 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 who shall forward the same to the house and senate committees on ways and means before December thirty-first, nineteen hundred and eighty-eight.

SECTION 88. 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 89. The membership of the special commission established by chapter ten of the resolves of nineteen hundred and eighty-four, as amended by chapter nine of the resolves of nineteen hundred and eighty-six, is hereby increased by five persons, to be appointed by the governor.

SECTION 90. That a special commission to consist of six members of the senate, eight members of the house of representatives, the commissioner of the department of environmental quality engineering or his designee, the commissioner of the department of environmental management or his designee, the commissioner of the department of public health or his designee, the director of marine fisheries or his designee, the director of coastal zone management or his designee, the director of the centers of excellence or his designee, the commissioner of the department of food and agriculture or his

designee, and six persons to be appointed by the governor from a list of names submitted to him by the Massachusetts aquaculture association, is hereby established to make an investigation and study relative to aquaculture in the commonwealth.

Said commission shall report the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives who shall forward the same with the house and senate committees on ways and means on or before the last Wednesday in December, nineteen hundred and eighty-nine.

SECTION 91. Notwithstanding the provisions of any general or special law to the contrary, a special commission be established to study the physician shortage in Massachusetts. Said commission shall consist of but not be limited to two Senators and two Representatives; the Secretary of Human Services who shall serve as chairman, or his designee; the Secretary of Elder Affairs or his designee; the Commissioner of Public Health or his designee; the Commissioner of Consumer Affairs or his designee; the commissioner of rate setting or his designee; the following members to be appointed by the governor within thirty days of the passage of this act: four members from various Local Councils on Aging; a member of the Massachusetts Medical Society; a member of the Massachusetts Hospital Association; a member of the Silver Haired Legislature and one elder advocate.

The commission shall conduct a study of the physician shortage in Massachusetts. Recommendations shall be presented to the House and Senate committees on Ways and Means on or before the fourth Wednesday in October nineteen hundred and eighty-eight.

SECTION 92. Any premium or the accrued interest from the sale of bonds and notes authorized by this act and payable from the several funds shall be applied respectively without appropriation to the payment of maturities and interest of said bonds and notes; provided, that assessment made under any bond or note authorization payable from the General Fund, wherein it is provided that said assessments shall be credited to the General Fund, shall, beginning July first, nineteen hundred and eighty-eight, be credited to the General Fund debt service account; and provided further, that any other receipts, disposition of which is not provided for in the bond or note authorizing, shall be credited to the respective fund debt service account.

SECTION 93. 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 to two F, inclusive, of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such 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-three. 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 94. To meet the expenditures necessary in 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 one hundred thirty-three million, nine hundred and forty-nine thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of 1988, 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 the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 95. To meet the expenditures necessary in 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 one hundred and ten million, three hundred and ninety-six thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Repair Loan, Act of 1988, 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 three. 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 96. To meet the expenditures necessary in 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-seven million, one hundred and forty-nine thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Equipment Loan, Act of 1988, 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, two thousand. 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 97. No funds appropriated in section two shall be expended for greeting cards to celebrate Christmas, Hanukah, New Years, or any other holidays.

SECTION 98. Notwithstanding the provisions of chapter two hundred and eleven D or any general or special law, the Committee for Public Counsel Services may accept and disburse royalty income from contracts entered into during nineteen hundred and eighty-five, nineteen hundred and eighty-six, nineteen hundred and eighty-seven, nineteen hundred and eighty-eight and nineteen hundred and eighty-nine not to exceed five thousand dollars per year.

SECTION 99. For the purpose of providing adequate berthing facilities for the historic Nantucket Lightship, now under the care, custody and control of the metropolitan district commission, and for the further purpose of providing a suitable embarkation and disembarkation facility for vessels providing transport to the general public for harbor excursions and for visits to the Boston Harbor Islands State Park, the metropolitan district commission is hereby authorized, notwithstanding the provisions of any general or special law to the contrary, to enter into an agreement with the National Park Service in accordance with Public Law 93-431, and 16 USC Section 3 for the National Park Service to reconstruct certain piers and other facilities in accordance with applicable federal laws and the metropolitan district commission is further authorized to expend funds, not to exceed two million dollars, authorized in section thirty-four of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven for the aforementioned project.

SECTION 100. Funds appropriated, not to exceed one million dollars, in item 9110-1631 of section two of this act, for the purposes of increasing the salaries of employees of "07" contracted home care corporations 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 home care corporation services and guidelines issued by the secretary of elderly affairs; provided, that any such salary increases shall be effective for the full fiscal year nineteen hundred and eighty-nine; provided further, that the first three and eight-tenths per cent increase of any employee salary increase shall not come from the one million dollars designated for salary upgrading for home care corporation employees but shall come from other funds provided for said purpose by this account. Salary increases funded by this account shall be limited to the following employees, as defined by the executive office of elderly affairs in consultation with the rate setting commission; provided, however, that all funds shall be prioritized accordingly: (1) all direct care employees and first line supervisory staff employees whose yearly salary is below fifteen thousand dollars; (2) all direct care employees and first line supervisory staff employees whose yearly salary is above fifteen thousand dollars; (3) all non-direct care employees whose yearly salary is below fifteen thousand dollars; and, (4) all non-direct care employees whose yearly salary is above fifteen thousand dollars; provided further, that no employee except those specified herein shall be excluded from receiving a salary increase. Employees of "07" contracted home care corporations whose yearly salary exceeds twenty-five thousand dollars shall not be eligible for receiving a salary upgrading award from item 9110-1631 of section two of this act. The secretary of the executive office of elderly affairs shall monitor such allocations of contract funds and expenditures for salary upgrading of said employees and shall submit a report by home care corporations which shall detail the rationale for and method of disbursing appropriated salary upgrading funds, including an itemized list of all contract awards, providers receiving awards, existing salary levels and awarded salary increases by position and title, to the house and senate committees on ways and means no later than thirty days after the award of any salary upgrading funds.

SECTION 101. Notwithstanding the provisions of section twelve B of chapter seventy-six of the General Laws or any other general or special law to the contrary, the tuition required by said section for schoolchildren residing in the cities of Boston or Worcester but attending public schools outside their own school district shall be paid by the commonwealth and if any school child from a district admitting schoolchildren from the cities of Boston or Worcester attends a public school within said cities the commonwealth shall also pay the required tuition; provided that the commissioner of education shall certify to the state treasurer the total amounts paid from item 7061-0013 on behalf of schoolchildren itemized by city or town of

residence and the state treasurer shall deduct said amounts from the distribution to be made to each city and town from item 7061-0008 prior to said distribution, provided further, that, the amounts so deducted shall be credited to item 7061-0013.

SECTION 102. 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 transitional assistance, 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 transitional assistance, which details and prioritizes statewide performance goals to be fully implemented by the end of fiscal year nineteen hundred and ninety-one; (2) review and approve a transitional assistance plan for fiscal year nineteen hundred and ninety 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 transitional assistance in the implementation of transitional assistance plans.

SECTION 103. The advisory board to the comptroller, established in accordance with section two of chapter seven A of the General Laws, shall undertake a study of the cash management procedures of the commonwealth. Such study shall examine the variability of the cash flow of the commonwealth and the adequacy of the existing financial controls to prevent short-term borrowing in anticipation of revenues. The advisory board shall file a copy of its report, together with recommended legislation, if any, with the clerk of the house of representatives and with the house and senate committees on ways and means no later than January fifteenth, nineteen hundred and eighty-nine.

SECTION 104. There is hereby established a special commission to study worker availability in the human services professions. Said commission shall consist of three members of the senate; seven members of the house of representatives; the secretary of human services or his designee; the chair of the rate setting commission or her designee; the assistant secretary of administration and finance for purchase of services or his designee; the chancellor of the board of regents or his designee; and six persons to be appointed by the governor, one of whom shall be representative of the mental health field, one of whom shall be representative of the field of mental retardation, one of whom shall be a representative of the field of child care, one of whom shall be a representative of the field of alcohol and substance, one of whom shall be a representative of homeless shelters, and one of whom shall be a representative of the social services field.

Said commission shall examine but not be restricted to the impact of the current labor shortage on the retention and recruitment of human service workers (said workers shall be defined as all workers who are employed by agencies who receive funding through state 07 contracts, or by provider agencies subcontracting with such agencies) and proposals for addressing this shortage, including but not limited to salary increases, improvement in fringe benefit programs, in-service training, the establishment of career ladders, the role of part-time workers, the public image of these professions and the ability to

conform to fair labor standards. All said issues shall be considered in the context of how worker availability affects the quality of the services provided, and how demographic trends and labor market conditions affect this shortage. The commission shall utilize any existing studies, such as the EOHS salary study, to help further their findings.

Said commission shall submit its findings and recommendations, together with proposed legislation necessary to implement its recommendations, by filing with the clerk of the senate no later than November first, nineteen hundred and eighty-nine.

SECTION 104A. The child support enforcement commission established by section one of chapter one hundred and nineteen A of the General Laws shall conduct a cost-benefit analysis of the relationship between the enforcement activities of the department of revenue and the amount of the commonwealth's obligation for the AFDC program. The study shall evaluate the department's success in accomplishing its first priority with regard to the enforcement of the subrogation rights of the department of public welfare, as established by section two of said chapter one hundred and nineteen A, to collect sufficient support payments to enable recipients of AFDC to live independently of public assistance. Said study shall review the steps taken by the department to accomplish this priority, and shall assess the effectiveness of such steps, including whether a sound fiscal balance has been struck between collection of arrearages and current support. The commission shall submit its findings and recommendations, if any, to the house and senate committees on ways and means by April first, nineteen hundred and eighty-nine.

SECTION 105. Notwithstanding the provisions of any general or special law to the contrary, the division of employment services is hereby authorized to establish in the commonwealth a system of regional employment areas and within them a system of regional employment boards. Said boards shall, subject to policies established by the MASSJOBS Council, provide policy guidance and oversight for all training and placement programs and all employment-related educational programs within their jurisdiction. Duties of the boards shall include (1) establishment of standards and objectives for consideration, approval or recommendation of training, placement, and employment-related educational programs; (2) review and approval of all job training and placement programs and service plans; (3) review and approval of state, federal, and other grants falling within the purview of federally authorized Private Industry Councils; (4) review, prior to implementation, of all federally, state, or locally funded employment-related educational programs; and (5) promotion of working partnerships with private employers and client groups in the development, design, and funding of training, employment, and employment-related educational programs. No employment-related educational program offered by an agency, institution, or contractor funded by the department of education or the board of regents shall be initiated or annually renewed within a regional employment area, unless (a) a program proposal has been submitted to the regional employment board in a format approved by the board at least sixty days prior to the proposed program's start or renewal date, and (b) the regional employment board has responded favorably or has failed to respond or, if concerns about the program have been expressed in writing by the board, a written response addressing said concerns has been sent by the agency, institution, or contractor proposing the program and has been received by the regional employment board.

Members of regional employment boards shall be selected in accordance with the procedures established in 29 U.S.C. 1512(d)(1) and (2) and 29 U.S.C. 1512(f). Each board shall have no fewer than two representatives from organized labor and two representatives from local educational agencies, defined as community colleges and vocational schools. Each board shall have a standing committee on workforce issues, chaired by a labor member.

By the first of January, nineteen hundred and eighty-nine, regional employment boards shall, consistent with policies included in the statewide employment and training plan of the MASSJOBS Council, implement a review process for all employment-related educational programs and an approval process for all job training and employment programs, service plans, changes to existing service plans, and grants of federal, state, or other funds within their jurisdictions.

SECTION 106. Notwithstanding the provisions of any general or special law to the contrary, on or before the thirty-first day of March, nineteen hundred and eighty-nine, the board of directors of the Massachusetts Technology Park Corporation shall prepare and present to the secretary for administration and finance and the house and senate committees on ways and means a comprehensive five year plan which describes in detail the present intentions of the board regarding the operation of the Microelectronics Center established pursuant to the provisions of section one through twelve inclusive of chapter forty J of the General Laws, which plan shall include but not be limited to the following: (i) annual capital and operating budgets; (ii) plans for allocating a greater portion of the annual operating costs of the Center to the industry and university participants in the Center project; (iii) plans for securing external operating funds, including federal funds, for the Center; (iv) plans for generating revenue through full exploitation of the resources of the Center; and (v) specific schedules for the implementation of the foregoing plans over the succeeding five year period, including schedules for a reduction in annual maintenance appropriations to the Center. On or before the thirty-first day of March of each year in said five year period, the board shall submit to the aforesaid public officials an updated report regarding the prosecution of said five year plan with such amendments, if any, as are necessary to reflect changed circumstances or the revised intentions of the board.

SECTION 107. The secretary of the executive office for administration and finance is hereby authorized to expend an amount not in excess of three million five hundred thousand dollars to meet the commonwealth's share of the expenses of the Massachusetts Microelectronics Center, to be in addition to the amount authorized in chapter three hundred and twenty-seven of the acts of nineteen hundred and eighty-three. Notwithstanding the provisions of any general or special law to the contrary, the secretary shall credit said funds to the Center Fund created by section five of chapter forty J of the General Laws upon receipt and approval of an addendum to the second detailed plan for the Center submitted by the Massachusetts Technology Park Corporation which contains a request that a sum certain of capital funds be credited thereto, a detailed breakdown of all proposed project costs and start-up expenses for which such funds are to be disbursed, and evidence of matching commitments within the meaning of section six (b)(4) of said chapter forty J; provided, that commitments in excess of that required to satisfy previous match requirements of the Center may be applied in satisfaction of the provisions of said section six (b)(4); provided, further, that upon receipt the Corporation may draw upon the Center Fund and disburse said funds therefrom but only for project costs or start-up expenses which are both required to make the Center fully operational and set forth in an approved addendum; provided, further, that said project costs and start-up expenses shall be one-time expenses and may include, but without limitation, expenses associated with the purchase, installation, fit-up, characterization and testing of semiconductor fabrication equipment, the transfer of semiconductor fabrication technology, and the completion of an integrated Center campus; and provided, further, that the amount credited to the Center Fund shall not exceed the amount proposed in the addendum.

SECTION 108. To meet the expenditures necessary to carry out the provisions of section one hundred and seven 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 three million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face the words, Massachusetts Technology Park Corporation Loan, Act of 1988, and shall, 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, be issued for maximum terms not exceeding seven years and be payable not later than June thirtieth, two thousand. 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, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 109. 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 hundred and eight 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. 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 such term, not exceeding one year as the governor may recommend to the general court, and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-three. 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. All payments on account of principal and interest on said notes shall be repaid from the General Fund.

SECTION 110. Notwithstanding the provisions of any general or special law to the contrary, an office of environmental policy and planning shall be established within the executive office of environmental affairs to provide environmental policy direction for all agencies, offices, and boards within said executive office. Said office shall be administered by an undersecretary reporting directly to the secretary of environmental affairs and shall include separate units responsible for water, land, air, and coastal resource protection and for waste disposal and management policy. Duties of the office of environmental policy and planning shall include development of a rolling environmental protection master plan; issuance of an annual state of the environmental report; development and coordination of environmental protection policies of the secretariat; setting of scientific and technical standards for the secretariat; coordination of environmental research; evaluation of the performance of agencies within the executive office of environmental affairs; and general management of the environmental protection activities of the secretariat and its agencies. No agency, office, or board within the executive office of environmental affairs shall take any actions which are not in compliance with or are inconsistent with the policies or plans of the office of environmental policy and planning. The executive office of environmental affairs is hereby authorized to establish not more than two undersecretary positions. The office of environmental policy and planning shall be fully operational by November first, nineteen hundred and eighty-eight.

SECTION 111. The governor shall coordinate the implementation of environmental protection policies affecting the activities of all state agencies and secretariats. The governor shall be responsible for ensuring that a process of consistency

review, so-called, conducted by staff of the secretary of environmental affairs, occurs prior to the implementation of any state agency project which may have environmental impact. The consistency review process shall ensure state agency compliance with existing environmental protection laws, regulations, and policies and shall be operational by January first, nineteen hundred and eighty-nine.

The governor shall, in addition, issue wetlands protection and municipal grant restriction policies applicable to all state agencies and subdivisions of the commonwealth. The wetlands protection policy shall prohibit any state agency project from altering wetlands, unless and until the governor has determined that no alternative site for the project exists. The municipal grant restriction policy shall condition all state grants of funding to municipalities on compliance with environmental protection laws and regulations which apply to the municipality in question at the time of the proposed grant award. A wetlands protection policy shall become effective no later than October first, nineteen hundred and eighty-eight. A municipal grant restriction policy shall become effective no later than January first, nineteen hundred and eighty-nine.

SECTION 112. Any state agency or office with employees or consultants compensated from the proceeds of the sale of bonds or notes or federal funds shall file with the house and senate committees on ways and means no later than November fifteenth, nineteen hundred and eighty-eight a report detailing the total number of such employees or consultants so compensated during fiscal year nineteen hundred and eighty-eight through the "01", "02" and "03" subsidiary accounts, respectively, and detailing the total dollar amounts so expended during fiscal year nineteen hundred and eighty-eight 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 113. There is hereby established a special commission to consist of five members of the senate, ten members of the house of representatives, the commissioner of banks or his designee, the commissioner of insurance or his designee, and two members to be appointed by the governor, one of whom shall be a representative of the banking industry in the commonwealth and one of whom shall be a representative of the insurance industry in the commonwealth, is hereby established for the purpose of considering the scope and extent of financial services offered to consumers in the commonwealth by depository and non-depository institutions.

The commission shall consider the financial services currently provided and those proposed to be offered by such institutions; existing and proposed federal and state legislative and regulatory activities in the financial services area; the potential impact, benefits and risks for consumers and the banking, insurance, real estate, securities and retailing industries; the economy of the commonwealth as a whole; and the sufficiency of existing state and federal laws and regulations to protect consumers and to evaluate and audit all such institutions for safety and soundness, together with such other related matters as the commission deems necessary.

Said commission may expend such sums as may be appropriated therefor, not to exceed five hundred thousand dollars; provided, however, that all such expenditures shall be borne by banks and life insurance companies doing business in the commonwealth and subject to taxation under chapter sixty-three of the General Laws. The said commission shall certify all such expenditures to the commissioner of administration who shall apportion the same on the said banks and life insurance companies on a pro-rata basis and such institutions shall remit such apportionments to the said commissioner of administration within thirty days of the receipt thereof. Such apportionments shall include an amount equal to the cost of fringe benefits as established by the commissioner of administration pursuant to section six B of chapter twenty-nine of the General Laws.

Said commission may travel within and without the commonwealth in the course of its duties and may employ such administrative, legal, actuarial, research, clerical and other assistance as it may deem necessary.

Said commission may report from time to time to the General Court its findings and recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect and shall file its final report with the clerk of the house of representatives not later than the first Wednesday of December, nineteen hundred and eighty-eight.

SECTION 114. The special commission authorized by section one hundred and five of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven is hereby revived and continued until December thirty-first, nineteen hundred and eighty-nine. Said commission shall report to the general court the results, 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 the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and eighty-nine.

SECTION 115. To ensure open and unimpeded public access to any of the parklands acquired or improved pursuant to the provisions of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven, the metropolitan district commission shall have authority, notwithstanding any general or special law to the contrary, to take by eminent domain, private or public property, including public ways, excluding dwellings and municipal buildings.

SECTION 116. Notwithstanding any general law to the contrary, all 02 temporary positions in the department of corrections filled by correction officers qualified to be permanent under chapter thirty-one of the General Laws shall be made permanent. Notwithstanding any other provisions of this act, the provisions of this section shall become effective on January first, nineteen hundred and eighty-nine.

SECTION 117. Chapter 15A of the General Laws is hereby amended by striking out section 5A, as amended by section 1 of chapter 368 of the acts of 1987, and inserting in place thereof the following section:-

Section 5A. The board of regents of higher education is hereby authorized to fix and establish, as the charges for tuition at all institutions of public higher education to aliens in this country, under the provisions of an F-1, United States nonimmigrant visa, issued by the Department of Immigration, who are nonresidents of the commonwealth the amount of money equal to the average amount necessary to maintain a student at such an institution; provided, however, that prior to the establishment of any system of tuition charges which requires the payment of tuition by such alien students who are

nonresidents of the commonwealth at a higher level than that required to be paid by other students who are nonresidents of the commonwealth, the board shall seek and obtain a written opinion of the attorney general that such system of charges does not contravene the guarantees of equal protection under the laws contained in the Constitution of the United States and the commonwealth.

SECTION 118. Section 10B of chapter 25 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 15, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 119. Said chapter 25 is hereby further amended by striking out caption preceding section 12F.

SECTION 120. Said section 12F of said chapter 25, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 2, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation,- and by adding the following paragraph:-

The railway and bus division and all the powers, duties and responsibilities assigned to said railway and bus division shall be transferred to said transportation division.

SECTION 121. Section 12G of said chapter 25, as so appearing, is hereby amended by striking out, in line 2, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 122. Section 18 of said chapter 25, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words "commercial motor vehicle division and the railway and bus" and inserting in place thereof the word:- transportation.

SECTION 123. Said section 18 of said chapter 25, as so appearing, is hereby further amended by striking out, in lines 21 and 22, the words "commercial motor vehicle division and railway and bus" and inserting in place thereof the word:- transportation.

SECTION 124. Chapter 70A of the General Laws is hereby amended by striking out section 5, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 5. Each city, town, or district, which accepts, by majority vote of both the school committee and the appropriating authority of such city or town, and each regional school district which accepts by majority vote of the school committee and by majority vote of two-thirds of the appropriating authorities of the member towns and cities, an equal educational opportunity grant made available under the provisions of section four shall expend for direct service expenditures for pupils in public school in the current year, an amount which is at least as great as the sum of (1) the product of the number of weighted full time equivalent pupils for the current year multiplied by the amount expended per weighted full time equivalent pupil in the preceding fiscal year, including amounts received under the provisions of section four in that year, and (2) a proportionate share of the excess of the sum of any increase in the total of school aid, regional school aid and additional assistance received by such city, town, or regional school district and any increase in the property tax levy in such city or town in the current fiscal year over the sum of increases in the costs of debt service, court judgments, and pensions in the

current fiscal year over the preceding fiscal year. For the purposes of this paragraph, "proportionate share" shall mean the proportion which (a) direct service expenditures for pupils in public schools in the preceding fiscal year less the total amount received pursuant to section four in said preceding fiscal year bears to (b) the sum total of school aid and additional assistance received by such city, town, or regional school district in said preceding fiscal year and the total property tax levy of such city or town in said preceding fiscal year.

In order for a city, town or district which does not qualify for an equal educational opportunity grant under the provisions of said section four in the fiscal year nineteen hundred and eighty-six to so qualify in any fiscal year thereafter such city or town must expend in the fiscal year nineteen hundred and eighty-six and in each fiscal year thereafter an amount which is at least as great as the sum of (1) the product of the number of weighted full time equivalent pupils for the current year multiplied by the amount expended per weighted full time equivalent pupil in the preceding fiscal year and (2) a proportionate share of the excess of the sum of any increase in the total of school aid, regional school aid and additional assistance received by such city or town and any increase in the property tax levy in such city or town in the current fiscal year over the sum of increases in the costs of debt service, court judgments, and pensions in the current fiscal year over the preceding fiscal year. For the purposes of this paragraph, "proportionate share" shall mean the proportion which total expenditures for all pupils in all programs, as defined in section two of chapter seventy of the General Laws, as so appearing in the preceding fiscal year bears to the sum of the total of school aid and additional assistance received by such city or town in the preceding fiscal year and the total property tax levy of such city or town in the preceding fiscal year.

In order for a regional school district or independent vocational school which does not qualify for an equal educational opportunity grant under the provisions of said section four in the fiscal year nineteen hundred and eighty-six to so qualify in any fiscal year thereafter, such regional school district or independent vocational school shall expend in the fiscal year nineteen hundred and eighty-six and in each fiscal year thereafter an amount per weighted full time equivalent pupil not less than the amount per such pupil expended in the preceding fiscal year and any increase in the total of school and regional school aid received by such regional school district or independent vocational school in that fiscal year.

In cases where unusual changes in enrollment or educational costs occur and the requirements of the preceding paragraph would impose an undue fiscal hardship on a city or town or the cities or towns which are members of a regional school district, such city, town or district may appeal to the commissioner of education for a remedy. Such remedy may include but not be limited to a one-year waiver of the requirements of the preceding paragraph.

SECTION 125. Section 19H of chapter 78 of the General Laws, as appearing in section 5 of chapter 478 of the acts of 1987, is hereby amended by striking out the definition of "Public library facility" and inserting in place thereof the following definition:-

"Public library facility", a building, modular unit or other structure utilized as a free public library in a city or town.

SECTION 126. Section 1 of chapter 90C of the General Laws, as so appearing, is hereby amended by striking out, in line 61, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 127. The second paragraph of section 51 of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended, by inserting after the word "clinic", in line 17, the words:- providing ambulatory surgery as de-

fined by section twenty-five B.

SECTION 128. Chapter 111 of the General Laws is hereby amended by inserting after section 72X, inserted by section 2 of chapter 759 of the acts of 1987, the following section:-

Section 72Y. As used in this section, the following words, unless the context clearly requires otherwise, shall have the following meaning:

"Health care facility", a hospital, institution for the care of unwed mothers or clinic, as defined in section fifty-two; a long-term facility, which is an infirmary maintained in a town, a convalescent or nursing home, a rest home or a charitable home for the aged, as defined in section seventy-one; a clinical laboratory subject to licensing under chapter one hundred and eleven D, a public medical institution, which is any medical institution, and, after December first, nineteen hundred and seventy-two, any institution, for the mentally ill or retarded, supported in whole or in part by public funds, staffed by professional, medical and nursing personnel and providing medical care, in accordance with standards established through licensing, approval or certification for participation in programs administered under Titles XVIII and XIX of the Federal Social Security Act, by the department of public health; and any part of such facilities; provided, however, that "health care facility" shall not include a facility operated by a religious group relying solely on spiritual means through prayer and healing and in which health care by or under the supervision of doctors of medicine, osteopathy, or dentistry is not provided.

"Nursing pool", any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for medical personnel including but not limited to nurses, nursing assistants, nurses' aides, and orderlies. "Nursing Pool" shall not include an individual who only engages in providing his or her own services on a temporary basis to health care facilities.

A person who operates a nursing pool shall register the pool with the commissioner. Each separate location of the business of a nursing pool shall have a separate registration. The commissioner, by regulation, shall establish forms and procedures for the processing of nursing pool registration applications, including the payment of a reasonable registration fee.

The commissioner, by regulation, shall establish minimum standards for the registration and operation of a nursing pool. The regulations shall be designed to protect the public's right to high quality health care by assuring that nursing pools employ competent and qualified nursing personnel, and that such nursing personnel are provided to health care facilities in a way to meet the needs of residents and patients.

The rate setting commission, by regulation, and in cooperation with the department of public health, shall establish reasonable rates of payment pursuant to this section for services provided by nursing pools registered by law with the department of public health. A pool may not bill or receive payments from health care facilities at a rate greater than the rate established pursuant to this section. Such rate shall take into consideration the reasonable administrative expenses of such pool, the wages and benefits paid by the pool to the medical personnel supplied to a health care facility and an allowance which shall provide a reasonable return on equity.

No such regulation shall allow reimbursement for the use of personnel from nursing pools which are not registered pursuant to this section.

Regulations promulgated pursuant to this section shall comply with chapter thirty A.

Any nursing pool for which a rate is set pursuant to this section shall be subject to the duties and responsibilities set forth in section thirty-five of chapter six A, whether or not receiving payment from a governmental unit.

SECTION 129. Section 1 of chapter 117 of the General Laws is hereby amended by striking out the third paragraph, as inserted by section 2 of chapter 716 of the acts of 1987, and inserting in place thereof the following paragraph:-

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, an approved public medical institution, or a public psychiatric institution in accordance with this section, 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 admission of a person receiving assistance under this chapter to a public psychiatric institution for less than two months shall not qualify said person for an allowance under this paragraph, nor shall such temporary admission affect the amount of benefits paid under this chapter until two months following the commencement of temporary admission.

SECTION 130. Chapter 118E of the General Laws is hereby further amended by striking out section 1B, inserted by section 40 of chapter 23 of the acts of 1988, and by inserting in place thereof the following section:-

Section 1B. The department shall establish a program of medical benefits for those families and individuals who, due to increased income from employment, lose eligibility for the program of medical care and assistance administered by the department in accordance with Title XIX of the Social Security Act and whose employer does not offer health care insurance; provided, however, that such family's or individual'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. Benefits under such program shall be provided to such families and individuals until the end of the twenty-fourth month following the month in which such families or individuals lose eligibility for said Title XIX benefits, so long as all eligibility criteria are met. The department shall encourage families and individuals eligible under this section to enroll in managed health care plans wherever practicable. For certain persons whose employers offer health care insurance, but are otherwise eligible for benefits under this section, the department may contribute to the employee's cost, if any, of employer-provider health insurance. The department may also require eligible families and individuals to contribute to the cost of the benefits provided under this section. The program of medical benefits under this section shall not be available after March thirty-first, nineteen hundred and ninety-two.

SECTION 131. Section 56 of chapter 121B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word commercial, in line 4, the words:- including the conduct of a trade or business by governmental or nonprofit entities.

SECTION 132. The second paragraph of section 57 of said chapter 121B, as so appearing, is hereby amended by inserting after the word "cost", in line 13, the words:- excluding funds otherwise available.

SECTION 133. Paragraph (b) of section 3 of chapter 159B of the General Laws, as so appearing, is hereby amended by striking out, in line 45, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 134. Section 10 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 67 and 68, the

words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 135. Section 12A of said chapter 159B, as so appearing, is hereby amended by striking out, in line 1, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 136. Section 14 of said chapter 159B, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 137. Section 14A of said chapter 159B, as so appearing, is hereby amended by striking out, in line 4, the words "commercial motor vehicle" and inserting in place thereof the word:- transportation.

SECTION 138. Section three G of chapter two hundred and eleven of the General Laws is hereby repealed.

SECTION 139. Said chapter 211, as appearing in the 1986 Official Edition, is hereby amended by adding the following two sections:-

Section 26. The supreme judicial court may design, pilot test and implement statewide a program for the evaluation of judicial performance. The sole purpose of said program shall be the improvement of the performance of individual judges and of the judiciary as a whole and, notwithstanding any general or special law to the contrary, all information compiled by said program shall be confidential. The supreme judicial court may consult with a representative committee of judges, which it may appoint for this purpose, and with appropriate experts, including the special committee on evaluation of judicial performance of the American Bar Association, regarding the standards for judicial performance, the participants in and methodology for assessing judicial performance, the choice of a court division or department for pilot testing said evaluation program, and all other issues related to the design of said program. Said court may contract for technical assistance for the purpose of said program to the extent it deems necessary.

Section 27. The supreme judicial court may adopt rules requiring the justices of the commonwealth to participate in pre-service and in-service training programs for such periods and at such intervals as it deems advisable, and providing for the administration of such training requirements, including procedures for the approval of training programs to comply with such training requirements and for the submission by justices of affidavits of compliance with such training requirements.

SECTION 140. Said chapter 211B is hereby further amended by adding the following section:-

Section 16. The chief administrative justice 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 court personnel. The institute shall be provided with suitable offices in the Suffolk county courthouse or elsewhere. The chief administrative justice 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 expendituresas may be necessary to execute effectively the functions of said institute. The chief administrative justice may further appoint an advisory committee for the purpose of assisting him 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 chief administrative justice.

SECTION 141. The first paragraph of section 8A of chapter 212 of 1975 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- To provide for the acquisition, holding, protection, maintenance or use of lands as provided by this act, and to provide for making loans, loan guarantees and grants as provided by this act, and to provide for personnel and administrative costs of the bank, and to refinance notes issued as provided in this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount not exceeding, in the aggregate, the sum of forty million dollars.

SECTION 142. Item 4238-8841 of section 2 of chapter 723 of the acts of 1983 is hereby amended by striking out, in line 12, the words "of a department of youth services facility" and inserting in place thereof the words:- and renovation of youth service facilities.

SECTION 143. The second paragraph of section 11 of chapter 799 of the acts of 1985 is hereby amended by inserting after the word "eight", in line 4, the words:- ; provided, however, that the town of Shirley is eligible for up to five hundred thousand dollars in grant monies as appropriated in this section.

SECTION 144. Item 2440-8872 of section 2B of chapter 206 of the acts of 1986 is hereby amended by inserting after the word "Museum", in line 2, the words:- and the Chickatawbut Hill Environmental Education Center.

SECTION 145. Section 5 of chapter 658 of the acts of 1986 is hereby amended by striking out, in line 6, the words "each of" and inserting in place thereof the words:- one of which, to be located on the grounds of Massachusetts correctional institution at Shirley with a capacity not to exceed seven hundred and fifty beds and one of which shall have.

SECTION 146. Item 2120-7880 of section 2D of chapter 199 of the acts of 1987 is hereby amended by inserting after the word "facilities", in line 2, the words:- ; provided, however, that not more than fifty thousand dollars shall be obligated for the purposes of conducting planning activity relative to the protection, management and appropriate development of the Upton State Forest.

SECTION 147. Section one hundred and fourteen of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 148. The first sentence of item 3722-8878 of section 3 of chapter 226 of the acts of 1987, is hereby amended by striking out, in lines 11 to 15, the words "; 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".

SECTION 149. The second sentence of item 3722-8878 of said section 3 of said chapter 226 is hereby amended by striking out in lines 2 and 3, the words "subject to appropriation for such purpose" and inserting in place thereof the words:- notwithstanding the provisions of section twenty-six and twenty-seven of chapter twenty-nine of the General Laws,- by striking out, in line 4, the word "and",- and by inserting after the word "agencies", in line 5, the words:- the Massachusetts Housing Finance Agency and such other quasi-public entities as the department shall designate.

SECTION 150. The fifth sentence of said item 3722-8878 of said section 2 of said chapter 226 is hereby amended by striking out, in line 5, the word "fifteen" and inserting in place thereof the word:- twenty.

SECTION 151. The eleventh sentence of said item 3722-8878 of said section 2 of said chapter 226 is hereby amended by inserting after the word "longer", in line 18, the words:- or such longer period as the department in its discretion determines.

SECTION 152. Said item 3722-8878 of said section 2 of said chapter 226 is hereby further amended by striking out the twelfth sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of sections twenty-six and twenty-seven of chapter twenty-nine of the General Laws, the department is hereby authorized to enter into contracts pursuant to this item with aggregate annual payment obligations not to exceed ten million dollars.

SECTION 153. Section 10 of chapter 226 of the acts of 1987 is hereby amended by striking out, in line 10, the words "three-tenths of one per cent annually" and inserting in place thereof the words:- five per cent.

SECTION 154. The first sentence of section 28 of chapter 303 of the acts of 1987 is hereby amended by striking out, in line 11, the words "three and four year old".

SECTION 155. Item 2000-8881 of section 2 of chapter 564 of the acts of 1987 is hereby amended by striking out the wording and inserting in place thereof the following:- For a study and the preparation of plans, if necessary, and repairs and improvements to the McMillan Wharf in the town of Provincetown; provided, however, that twenty-five per cent of the costs of said project funded herein shall be provided by a match from federal, local or private sources.

SECTION 156. Section 27 of chapter 564 of the acts of 1987 is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of this section or any other general or special law to the contrary, the department of environmental quality engineering is hereby authorized and directed to provide, from funds authorized and appropriated in this section, not less than twenty thousand dollars as a grant to the town of Holliston for the purposes of furthering the cleanup of lakes in said town, and for the purposes of providing alternative or improved water supplies to persons whose water supplies are affected by said cleanup of lakes in said town; provided, that the provision of alternative or improved water supplies to allow the cleanup of such lakes shall be considered a public purpose.

SECTION 157. Section 29 of said chapter 564 is hereby amended by inserting after the word "stream", in line 11, the words:- ; provided, however, that not more than sixty thousand dollars shall be obligated for restoring and preserving the

environment and recreational quality of the Assabet River and the Blackstone Valley.

SECTION 158. Section 32 of chapter 564 of the acts of 1987 is hereby amended by adding after the word "district", in line 4, the words:– ; provided, however, that not less than fifty thousand dollars shall be allocated for the study and preparation of plans, if necessary, for the development of a recreational area on metropolitan district commission land associated with the Watershed of the Wachusett Reservoir along Route 110 in the town of Clinton.

SECTION 159. Chapter 584 of the acts of 1987 is hereby amended by inserting after section 50 the following new section:–

Section 51. The provisions of subsection (b) of section six of chapter twenty-one H of the General Laws, inserted by section three of this act shall take effect on July first, nineteen hundred and ninety-two.

SECTION 160. This act shall take effect as of July first, nineteen hundred and eighty-eight.

This bill was returned on July 17, 1988 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:

0185-7867	0185-7889	2100-0104	3743-2032	9000-1802
0185-7868	1108-5101	2200-0000	4000-0750	9000-1803
0185-7869	1599-3403	2440-0019	7061-0013	
0185-7870	1599-3524	2469-9007	8850-0011	
0185-7871	2000-0500	2518-5000	9000-0200	

SECTION 2B.

0131-0000	0185-7826	0185-7853	0710-0000	4513-1007
0135-0000	0185-7827	0185-7854	0810-0000	6010-0050
0165-0000	0185-7828	0185-7855	2000-0250	6030-7403
0185-7209	0185-7830	0185-7856	2052-0200	6030-7411
0185-7509	0185-7831	0185-7857	2120-0301	6030-7601
0185-7801	0185-7834	0185-7858	2150-0512	7010-0008
0185-7603	0185-7835	0185-7860	2200-0300	7030-1000
0185-7804	0185-7838	0185-7861	2200-0305	7061-1000
0185-7810	0185-7840	0320-0003	2250-0908	7061-4050
0185-7814	0185-7842	0330-3000	2250-0909	7070-0031
0185-7815	0185-7843	0337-0002	2250-0913	7100-0110
0185-7819	0185-7845	0511-0000	2410-9061	8200-0200

0185-7820	0185-7846	0521-0000	2444-9001
0185-7821	0185-7848	0530-0100	2518-1000
0185-7823	0185-7851	0610-0000	3722-9060
0185-7824	0185-7852	0612-0100	4510-0102

SECTION 2D. Items disapproved:

2120-7890	2120-7892	

SECTION 71, 101, 110, and 129.

SECTION 2. Items Reduced:

Item	Reduce to	Item	Reduce to
0330-2410	400,000	3722-9062	500,000
0511-0000	5,873,221	4000-0791	207,600
0521-0000	2,919,073	4110-2010	424,577
0524-0000	599,800	4110-4000	1,202,585
0611-5500	766,340,669	4120-0010	3,273,772
0635-0001	148,750	4180-0100	14,511,729
0699-7900	195,806,356	4190-0100	9,158,678
1101-2380	14,866,179	4400-1003	17,577,476
1102-5201	437,782	4510-0710	4,634,396
1107-2400	688,177	4510-0750	678,584
1108-4010	1,452,019	5712-0100	6,000,000
1108-6100	3,376,826	6010-0009	174,500
1121-0110	15,438,727	7010-0005	10,280,000
1201-0160	19,611,346	7032-0500	1,500,000
2000-0100	2,785,039	7061-0008	1,218,034,480
2000-0200	175,000	7077-0020	342,710
2300-0100	351,237	7100-0102	4,000,000
2330-0100	2,536,017	7400-0200	507,750
2410-1000	1,671,508	8200-0200	2,900,000
2444-9004	481,500	9000-0100	596,946
2460-1000	4,299,594	9000-1900	7,100,000
2520-1000	601,936	9000-1920	2,228,524
2520-1300	364,071	9400-1712	1,407,572
2520-1400	493,807		

SECTION 2B.

0147-0000	55,393

SECTION 2. Items reduced in amount and by striking the wording:

Item	Reduce to	Wording Stricken
0336-0002	1,837,317	"; provided further, that one hundred sixty five thousand fifty-four dollars and eleven positions be made available to the Northeast housing court; provided further, that eighty two thousand five hundred twenty-seven dollars and eleven positions be made available to the Southeast housing court,"
1102-3210	10,226,387	"and provided further, that no less than ninety-four thousand dollars and five positions be allocated for a court facilities bureau,"
1104-1010	253,862	"provided that of the sum obligated herein, not less than seventy-five thousand dollars be obligated for an institute for community-based services."
1108-1000	1,991,647	"provided further, that not less than forty thousand dollars shall be obligated for the Commonwealth's Childrens Center;"
2200-0100	27,373,473	"provided further, that not less than five hundred thousand dollars shall be expended for the testing of public drinking water supply sources for the presence of toxic substances, including the development and publication of those substances to be tested, a report of test results, and related educational and training services, pursuant to chapter six hundred and eighteen of the Acts of nineteen hundred and eighty-seven;
4000-0700	309,900	"; 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)"
4110-3010	1,970,079	"provided that of the amount appropriated herein not less than one hundred thousand dollars shall be obligated for a contract with the Carroll Center for the Blind;"

Item	Reduce to	Wording Stricken
4510-0103	741,270	"; provided, that not less than fifty-five thousand dollars be expended for the Governor's Committee on Physical Fitness and Sports; provided further, that not less than one hundred and fifty thousand dollars shall be obligated to Malden Hospital for a family practice residency program"
4510-0106	2,085,948	"; provided, that all of the rental obligations incurred by the Department shall be met from this line item and no other line items may be assessed such obligations"
4600-1050	1,000,000	"; provided, that not less than one million dollars shall be obligated for the uncompensated care provided by community health centers"
5911-0025	28,800,000	"; provided further, that no more than one one hundred thousand dollars be obligated for transportation services to mentally retarded persons who are competitively employed in private work settings, and who are eligible for such services under the provisions of chapter six hundred and thirty-three of the acts of nineteen hundred and eighty-seven"
9000-2100	685,000	"; provided further, that not more than one hundred and ten thousand dollars be obligated for the activities of the international coordinating council"

SECTION 2. Items reduced in amount and by striking the wording and inserting in place thereof the following:

Item	Reduce to	Wording Inserted
0321-1600	2,058,153	"For the Massachusetts Legal Assistance Corporation to provide Legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that not less than one million one hundred eleven thousand and ninety-two dollars shall be obligated for a disability representation project; provided further, that not less than five hundred twenty-six thousand, four hundred and thirty-six dollars shall be obligated for a medicare advocacy project; provided further, that not less than four hundred twenty thousand, six hundred and twenty-five 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 Immigraton Reform and Control Act of 1986 are applicable; provided

Item	Reduce to	Wording Inserted
		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"
4120-0012	17,188,369	"For social services programs; provided; that no less than six million two hundred and fifteen thousand dollars be obligated for a program of extended sheltered employment; provided further, that not less than one million seven hundred and twenty thousand dollars be obligated for personal care assistance programs; provided further, than not less than two million one hundred and twenty-seven thousand dollars be obligated for independent living programs, provided that of said funds, nine hundred and twenty-five 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 four million dollars be obligated for a program of homemaker/chore services; provided further, that not less than one million five hundred and twelve thousand dollars be obligated for a program of supported work for the retarded; provided further, that not less than seven hundred thousand dollars be obligated for a program of supported work for the emotionally disturbed; provided further, that not less than two hundred and thirty-eight thousand four hundred dollars be obligated for a housing pilot program; provided further, that not less than four hundred ninety-four thousand one hundred and fifty-six dollars be obligated for a social recreation program for the disabled; provided further, that not more than one hundred and fifty-five thousand five hundred and seventy dollars be obligated for a program of arts for the disabled, including but not limited to arts festivals, training and advocacy; provided further, that not less than one hundred and eighty 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 however, that no funds from this item be expended on employee positions"
4510-0110	1,474,752	"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

Item	Reduce to	Wording Inserted
		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 one million four hundred thousand dollars in grant funds; and provided further, that not less than one hundred and twenty-five thousand dollars shall be obligated for the Dimock Community Health Center; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, not less than 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; including not more than four positions"
4512-0200	38,728,528	"For 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 substance abuse among pregnant women; 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, that not less than five hundred thousand dollars shall be obligated to meet the cost of a supplemental salary increase for nurses in detoxitication facilities; and provided further, that not less than one hundred and fifty thousand dollars shall be obligated for drug programs for inmates of state correctional facilities; provided further, that not less than two hundred eleven thousand eight hundred and sixty-eight dollars shall be obligated for an ambulatory case management program; including not more than thirty-seven positions"
4512-0500	2,655,000	"For a dental health program, including dental services at the state schools for the retarded and community-based statewide dental programs for the mentally retarded; including not more than seven positions"
4513-1000	21,578,409	"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 three hundred and eighty thousand dollars shall be obligated for the annualized costs 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,

Item	Reduce to	Wording Inserted
		infant or other child-birth related health services in the city of Boston; provided further, that not more than six hundred thousand dollars shall be obligated for the expansion of early intervention services; provided further, that one hundred thousand dollars shall be expended for the establishment of an early intervention pilot project for deaf and hard of hearing children; provided further, that not less than six hundred thousand dollars shall be expended for rape prevention and victim services and included within that amount not less than fifty thousand dollars shall be expended in the Beverly/Salem area and not more than thirty-two thousand dollars shall be expended in the Greenfield area for said services; provided further, that not less than two hundred thousand dollars shall be obligated for the Harvard Street neighborhood health center; including not more than one hundred and twenty positions"
7100-0100	638,383,415	"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 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 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 that 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 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

Item	Reduce to	Wording Inserted
		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 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 Demonstation 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 interpretors 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

Item	Reduce to	Wording Inserted
		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; provided, that of the sum appropriated herein, not more than one hundred thousand dollars shall be expended for a cooperative agreement for acid rain research between the University of Massachusetts at Amherst and the department of fisheries, wildlife, and environmental law enforcement; provided, that of the sum appropriated herein, not more than two million dollars shall be obligated for the purposes of collaborative education programs between the public institutions of higher education and elementary and secondary schools within the commonwealth; provided, that of the sum appropriated herein, not more than one hundred and sixty-seven thousand dollars shall be obligated for the purpose of a center for teaching and learning; provided that said one hundred and sixty-seven thousand dollars may be allocated to this item by the department of education for joint funding of the center's operations through an inter-agency agreement between the department of education and the board of regents; including not more than fourteen thousand five hundred and twenty-five positions"

SECTION 3. Items Reduced:

	Line Items Reduced To			Line Items Reduced To	
CITY/TOWN	7061-0008 CHAPTER 70	0611-5500 ADDITIONAL ASSISTANCE	CITY/TOWN	7061-0008 CHAPTER 70	0611-5500 ADDITIONAL ASSISTANCE
ABINGTON	4,675,187	106,130	AMHERST	4,750,823	0
ACTON	1,131,469	656,924	ANDOVER	2,563,081	693,986
ACUSHNET	2,377,516	0	ARLINGTON	4,025,815	8,395,744
ADAMS	934,822	0	ASHBURNHAM	324,393	0
AGAWAM	6,927,498	0	ASHBY	91,563	0
ALFORD	6,076	0	ASHFIELD	50,435	0
AMESBURY	4,608,967	805,684	ASHLAND	871,345	858,502

CITY/TOWN	Line Items Reduced To: 7061-0008 CHAPTER 70	Line Items Reduced To: 0611-5500 ADDITIONAL ASSISTANCE
ATHOL	1,888,496	0
ATTLEBORO	10,728,811	915,185
AUBURN	3,189,001	405,280
AVON	332,801	768,486
AYER	3,521,856	53,258
BARNSTABLE	2,532,796	0
BARRE	193,871	0
BECKET	6,343	65,862
BEDFORD	964,721	1,188,157
BELCHERTOWN	2,448,914	0
BELLINGHAM	5,110,723	0
BELMONT	1,593,488	2,102,103
BERKLEY	956,862	0
BERLIN	359,696	39,564
BERNARDSTON	250,831	0
BEVERLY	4,207,465	5,198,033
BILLERICA	5,896,367	5,336,698
BLACKSTONE	490,022	0)
BLANDFORD	68,388	0
BOLTON	194,182	0
BOSTON	67,677,955	262,193,469
BOURNE	1,298,048	1,134,430
BOXBOROUGH	179,242	70,371
BOXFORD	295,533	267,121
BOYLSTON	339,186	47,495
BRAINTREE	2,531,096	6,287,683
BREWSTER	343,384	105,119
BRIDGEWATER	4,685,374	0
BRIMFIELD	430,318	0
BROCKTON	33,866,096	13,075,692
BROOKFIELD	732,755	0
BROOKLINE	2,850,759	6,958,061
BUCKLAND	199,821	0
BURLINGTON	2,023,558	2,941,464
CAMBRIDGE	4,850,708	29,817,296
CANTON	1,319,711	1,978,112
CARLISLE	257,513	168,259
CARVER	1,890,414	0
CHARLEMONT	148,002	0
CHARLTON	632,676	0
CHATHAM	329,027	1,164
CHELMSFORD	2,886,470	5,033,503
CHELSEA	10,345,084	6,755,123
CHESHIRE	285,767	0
CHESTER	152,378	0
CHESTERFIELD	144,121	0
CHICOPEE	15,521,488	4,537,583
CHILMARK	0	(70,680)
CLARKSBURG	669,762	0
CLINTON	3,795,555	1,114,975
COHASSET	640,997	527,586
COLRAIN	162,310	0
CONCORD	925,549	1,141,734
CONWAY	204,092	0
CUMMINGTON	54,249	0
DALTON	767,355	0
DANVERS	1,640,116	2,532,791
DARTMOUTH	4,767,811	0
DEDHAM	1,947,798	3,202,963
DEERFIELD	627,753	2,594
DENNIS	280,228	0
DIGHTON	237,985	0
DOUGLAS	992,141	0
DOVER	169,282	137,301

CITY/TOWN	Line Items Reduced To 7061-0008 CHAPTER 70	Line Items Reduced To 0611-5500 ADDITIONAL ASSISTANCE
DRACUT	5,897,184	541,822
DUDLEY	780,723	0
DUNSTABLE	44,233	112,913
DUXBURY	1,575,889	169,924
EAST BRIDGEWATER	3,481,785	0
EAST BROOKFIELD	51,508	0
EAST LONGMEADOW	2,363,970	0
EASTHAM	110,518	0
EASTHAMPTON	5,429,577	62,404
EASTON	4,490,214	0
EDGARTOWN	134,321	147,206
EGREMONT	19,849	3,843
ERVING	144,185	78,287
ESSEX	231,518	159,666
EVERETT	2,570,677	7,385,431
FAIRHAVEN	3,289,972	1,440,544
FALL RIVER	40,239,830	9,756,311
FALMOUTH	2,174,207	233,961
FITCHBURG	14,151,517	1,745,303
FLORIDA	50,403	12,974
FOXBOROUGH	3,516,361	0
FRAMINGHAM	4,369,740	9,261,477
FRANKLIN	4,552,508	890,986
FREETOWN	1,029,643	0
GARDNER	5,962,158	752,678
GAY HEAD	0	(1,773)
GEORGETOWN	1,301,607	422,175
GILL	20,053	0
GLOUCESTER	2,116,293	3,908,710
GOSHEN	51,143	0
GOSNOLD	1,720	4,487
GRAFTON	2,330,902	445,730
GRANBY	1,718,883	0
GRANVILLE	183,828	0
GREAT BARRINGTON	1,000,003	0
GREENFIELD	5,822,894	1,036,497
GROTON	660,163	0
GROVELAND	970,282	0
HADLEY	279,866	352,329
HALIFAX	1,380,845	0
HAMILTON	290,690	292,722
HAMPDEN	917,825	0
HANCOCK	40,227	46,649
HANOVER	1,356,380	2,476,042
HANSON	2,561,670	0
HARDWICK	159,638	0
HARVARD	1,444,647	0
HARWICH	629,387	178,526
HATFIELD	400,846	0
HAVERHILL	11,804,225	6,701,000
HAWLEY	21,314	28,869
HEATH	33,755	0
HINGHAM	1,724,342	1,254,072
HINSDALE	162,669	0
HOLBROOK	3,157,646	740,954
HOLDEN	2,226,811	0
HOLLAND	180,969	16,616
HOLLISTON	2,270,337	1,277,669
HOLYOKE	19,241,307	4,503,505
HOPEDALE	1,004,646	2,359
HOPKINTON	763,253	528,001
HUBBARDSTON	44,855	0
HUDSON	4,463,736	739,716
HULL	1,669,883	2,556,505

CITY/TOWN	Line Items Reduced To: 7061-0008 CHAPTER 70	Line Items Reduced To: 0611-5500 ADDITIONAL ASSISTANCE
HUNTINGTON	181,854	0
IPSWICH	951,042	1,596,872
KINGSTON	1,118,025	0
LAKEVILLE	1,031,506	0
LANCASTER	1,493,979	139,074
LANESBOROUGH	560,376	0
LAWRENCE	30,471,005	3,525,295
LEE	1,337,317	165,517
LEICESTER	3,673,214	0
LENOX	946,660	379,662
LEOMINSTER	9,453,785	1,481,900
LEVERETT	114,931	0
LEXINGTON	2,455,110	1,024,410
LEYDEN	43,368	0
LINCOLN	178,679	676,907
LITTLETON	578,460	514,367
LONGMEADOW	2,146,524	694,135
LOWELL	28,441,746	15,594,416
LUDLOW	4,873,689	0
LUNENBURG	2,282,481	0
LYNN	22,546,944	18,822,941
LYNNFIELD	926,071	964,426
MALDEN	12,853,892	10,976,195
MANCHESTER	366,321	188,296
MANSFIELD	1,594,709	1,713,912
MARBLEHEAD	1,278,125	742,271
MARION	206,082	35,068
MARLBOROUGH	2,240,886	5,208,880
MARSHFIELD	3,769,021	1,405,537
MASHPEE	330,237	110,629
MATTAPOISETT	356,617	125,802
MAYNARD	1,354,368	1,332,193
MEDFIELD	857,943	1,509,739
MEDFORD	9,416,438	12,248,771
MEDWAY	1,737,549	776,282
MELROSE	4,119,337	5,350,306
MENDON	66,311	90,089
MERRIMAC	1,212,429	0
METHUEN	7,702,679	2,345,096
MIDDLEBOROUGH	6,274,324	0
MIDDLEFIELD	42,266	7,505
MIDDLETON	202,544	354,219
MILFORD	6,682,980	962,461
MILLBURY	3,479,133	392,795
MILLIS	1,006,909	813,995
MILLVILLE	106,308	0
MILTON	1,543,383	2,741,774
MONROE	9,030	22,920
MONSON	2,427,139	0
MONTAGUE	814,046	0
MONTEREY	17,880	48,981
MONTGOMERY	28,820	0
MOUNT WASHINGTON	5,494	49,832
NAHANT	225,880	321,781
NANTUCKET	349,239	51,493
NATICK	2,337,216	3,998,996
NEEDHAM	1,913,433	1,294,946
NEW ASHFORD	10,342	13,422
NEW BEDFORD	48,732,355	2,431,673
NEW BRAINTREE	28,811	8,985
NEW MARLBOROUGH	31,304	5,133
NEW SALEM	24,776	0
NEWBURY	634,369	11,772
NEWBURYPORT	1,837,611	2,749,069

CITY/TOWN	Line Items Reduced To: 7061-0008 CHAPTER 70	Line Items Reduced To: 0611-5500 ADDITIONAL ASSISTANCE
NEWTON	5,224,066	4,930,207
NORFOLK	1,090,084	57,577
NORTH ADAMS	7,361,314	253,334
NORTH ANDOVER	1,815,003	1,034,174
NORTH ATTLEBOROUGH	6,387,375	0
NORTH BROOKFIELD	1,612,754	0
NORTH READING	1,019,268	1,872,147
NORTHAMPTON	6,629,757	2,464,748
NORTHBOROUGH	1,305,630	577,055
NORTHBRIDGE	4,459,871	0
NORTHFIELD	246,259	0
NORTON	4,378,589	0
NORWELL	965,055	1,179,388
NORWOOD	2,055,825	4,993,898
OAK BLUFFS	129,934	547
OAKHAM	28,358	0
ORANGE	2,175,930	0
ORLEANS	150,922	0
OTIS	79,741	14,315
OXFORD	4,560,785	0
PALMER	3,357,275	0
PAXTON	565,458	0
PEABODY	6,795,689	6,853,181
PELHAM	73,555	0
PEMBROKE	2,606,247	21,038
PEPPERELL	277,985	0
PERU	83,871	16,577
PETERSHAM	74,061	0
PHILLIPSTON	827	42,439
PITTSFIELD	15,185,507	4,663,448
PLAINFIELD	16,808	0
PLAINVILLE	883,233	136,440
PLYMOUTH	3,334,934	87,231
PLYMPTON	236,612	0
PRINCETON	396,112	0
PROVINCETOWN	189,046	148,698
QUINCY	10,160,901	20,555,811
RANDOLPH	5,225,427	4,218,140
RAYNHAM	1,921,955	0
READING	1,975,720	3,154,587
REHOBOTH	217,847	0
REVERE	8,168,459	10,029,245
RICHMOND	152,832	10,578
ROCHESTER	579,625	0
ROCKLAND	5,159,979	1,709,543
ROCKPORT	466,810	207,229
ROWE	0	(42,990)
ROWLEY	357,529	338,297
ROYALSTON	49,798	25,994
RUSSELL	53,002	0
RUTLAND	1,273,352	0
SALEM	4,428,257	6,535,499
SALISBURY	921,697	136,963
SANDISFIELD	58,238	1,896
SANDWICH	805,423	474,340
SAUGUS	2,255,337	3,652,897
SAVOY	182,699	44,487
SCITUATE	1,623,345	1,963,548
SEEKONK	2,702,350	0
SHARON	2,309,716	818,381
SHEFFIELD	78,719	102,398
SHELBURNE	279,211	0
SHERBORN	195,662	165,155
SHIRLEY	1,460,496	570,113

CITY/TOWN	Line Items Reduced To 7061-0008 CHAPTER 70	Line Items Reduced To 0611-5500 ADDITIONAL ASSISTANCE
SHREWSBURY	3,019,956	1,467,907
SHUTESBURY	76,359	0
SOMERSET	1,558,814	165,319
SOMERVILLE	13,315,028	26,792,159
SOUTH HADLEY	4,163,124	353,050
SOUTHAMPTON	805,831	0
SOUTHBOROUGH	450,360	198,220
SOUTHBRIDGE	6,924,434	0
SOUTHWICK	2,185,521	0
SPENCER	658,885	0
SPRINGFIELD	68,974,602	14,945,821
STERLING	835,698	0
STOCKBRIDGE	21,288	0
STONEHAM	1,491,266	3,828,041
STOUGHTON	5,925,782	1,700,040
STOW	405,977	211,945
STURBRIDGE	874,099	0
SUDBURY	899,030	1,462,264
SUNDERLAND	427,079	72,281
SUTTON	1,461,498	0
SWAMPSCOTT	974,610	1,007,203
SWANSEA	4,319,773	0
TAUNTON	18,497,745	219,668
TEMPLETON	946,028	0
TEWKSBURY	5,966,345	1,128,387
TISBURY	169,654	0
TOLLAND	13,338	23,768
TOPSFIELD	242,384	556,713
TOWNSEND	563,229	1,861
TRURO	76,225	0
TYNGSBOROUGH	1,593,539	0
TYRINGHAM	13,323	0
UPTON	290,215	0
UXBRIDGE	2,336,268	0
WAKEFIELD	2,726,385	3,182,755
WALES	293,268	0
WALPOLE	2,141,123	2,153,159
WALTHAM	4,606,211	10,254,935
WARE	3,315,293	0
WAREHAM	4,729,440	0
WARREN	997,905	0
WARWICK	75,281	69,211
WASHINGTON	58,733	59,524
WATERTOWN	1,828,110	7,624,203
WAYLAND	1,044,362	880,879
WEBSTER	4,242,151	918,042
WELLESLEY	1,631,900	1,066,574
WELLFLEET	60,105	0
WENDELL	58,966	70,262
WENHAM	36,143	334,025
WEST BOYLSTON	829,433	375,399
WEST BRIDGEWATER	1,326,034	425,595
WEST BROOKFIELD	482,468	0
WEST NEWBURY	326,864	21,100
WEST SPRINGFIELD	5,020,201	1,247,898
WEST STOCKBRIDGE	72,068	0
WEST TISBURY	66,008	317,450
WESTBOROUGH	1,119,201	721,997
WESTFIELD	11,459,012	23,881
WESTFORD	1,538,164	1,976,131
WESTHAMPTON	111,597	0
WESTMINSTER	344,749	0
WESTON	756,852	74,332
WESTPORT	2,378,961	543,835

CITY/TOWN	Line Items Reduced To 7061-0008 CHAPTER 70	Line Items Reduced To 0611-5500 ADDITIONAL ASSISTANCE
WESTWOOD	1,009,097	523,618
WEYMOUTH	11,892,728	6,698,843
WHATELY	103,635	0
WHITMAN	3,973,345	0
WILBRAHAM	1,828,408	0
WILLIAMSBURG	406,580	0
WILLIAMSTOWN	1,012,043	197,651
WILMINGTON	1,621,818	2,571,442
WINCHENDON	3,480,949	0
WINCHESTER	1,715,218	1,274,589
WINDSOR	14,354	63,963
WINTHROP	3,082,732	4,267,398
WOBURN	2,614,450	6,694,428
WORCESTER	53,948,420	27,943,687
WORTHINGTON	16,826	0
WRENTHAM	1,288,707	157,213
YARMOUTH	412,867	163,302

SECTION 2. Items reduced by striking the words "prior appropriation continued":

0112-0100	0116-0000	0119-0000	0133-0000	0147-0000
0114-0000	0116-0030	0131-0000	0142-0000	0165-0000
0115-0000	0118-0000	0132-1000	0145-0000	0169-7102

Prior appropriations continued reduced in the following items:

Item	Reduce to
0111-8000	24,014
0112-0000	45,765
0161-2000	4,000
0163,0000	30,000

The wording as indicated, is disapproved in the following item:

Item	Wording Stricken
9000-2300	"provided, that the corporation shall reimburse the commonwealth for the appropriation herein;"

Pursuant to Article 56 of the Amendments to the Constitution, Section III, the Governor sent a separate letter to the Senate and House of Representatives setting forth a recommended amendment.

The remainder of the bill was approved by the Governor on July 17, 1988.

Chapter 165. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under section sixteen of chapter one hundred and twenty of the acts of nineteen hundred and eighty-eight, providing for capital improvements to jails, houses of correction and correctional institutions shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-eight, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section twelve of chapter one hundred and twenty of the acts of nineteen hundred and eighty-eight, providing for the improvement of state correctional institutions 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 eighteen, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section thirteen of chapter one hundred and twenty of the acts of nineteen hundred and eighty-eight, providing for the procurement of modular correctional buildings, furnishings and equipment 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 five, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section fourteen of chapter one hundred and twenty of the acts of nineteen hundred and eighty-eight, providing for the improvement of county jails and houses of correction 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 eighteen, as recommended by the

governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under section ninety-three of the General Appropriations Act for the nineteen hundred and eighty-nine Fiscal Year providing for various capital improvements 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-three, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 6. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section ninety-four of the General Appropriations Act for the nineteen hundred and eighty-nine Fiscal Year providing for various capital improvements and projects 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 thirteen, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 7. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section ninety-five of the General Appropriations Act for the nineteen hundred and eighty-nine Fiscal Year providing for purchases of capital repairs and renovations and related projects shall be issued for terms not to exceed ten years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and three as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 8. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section ninety-six of the General Appropriations Act for the nineteen hundred and eighty-nine Fiscal Year providing for purchases of capital equipment and related purposes shall be issued for terms not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 9. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under section one hundred and nine of the General Appropriations Act for the nineteen hundred and eighty-nine Fiscal Year providing for various capital improvements for the Massachusetts Technology Park Corporation 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-three, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 10. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section one hundred and eight of the General Appropriations Act for the nineteen hundred and eighty-nine Fiscal Year providing for capital improvements for the Massachusetts Technology Park Corporation shall be issued for terms not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 11. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under section nine of House No. 6040 or any act resulting therefrom providing for a program of capital improvements to public higher education facilities, and for certain other purposes shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-eight, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 12. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section ten of the House No. 6040 or any act resulting therefrom providing for a program of capital improvements to public higher education facilities 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 eighteen, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 13. Notwithstanding any provisions of law to the contrary,

the bonds which the state treasurer is authorized to issue under section forty-eight of House No. 6040, or any act resulting therefrom providing for projects of the environmental challenge fund 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 eighteen, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 14. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under section thirty of House No. 5383, or any act resulting therefrom providing for the construction of court facilities and replacement facilities therein for the handicapped 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 be payable not later than June thirtieth, nineteen hundred and ninety-eight, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 15. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-eight of House No. 6040, or any act resulting therefrom providing for courthouse renovation and construction 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 eighteen, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 16. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-nine of House No. 5383, or any act resulting therefrom providing for replacement facilities in the commonwealth's courts for use by the physically and sensorily handicapped 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 eighteen, as recommended by the governor in a message to the general court dated July fourteenth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 17. Section two of the General Appropriation Act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine is hereby amended by striking the text of item 1599-3620 and inserting in its place the following text:-

1599-3620 For a reserve to meet the fiscal year nineteen hundred and eighty-nine and prior fiscal years' costs of salary adjustments and other employee economic benefits authorized by certain collective bargaining agreements, to meet such seasonal personnel costs as are certified on schedules to be filed by the secretary of administration and finance with the house and senate committees on ways and means, 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, 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-nine where the amounts otherwise available are insufficient for the purpose, such amounts as are necessary to meet the cost of said adjustment 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.

Approved July 17, 1988.
EMERGENCY LETTER: August 2, 1988 @ 10:08 A.M.

Chapter 166. AN ACT AUTHORIZING THE CITY OF WALTHAM TO APPOINT A SPECIAL COMMITTEE TO ARRANGE FOR A CELEBRATION COMMEMORATING THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Waltham is hereby authorized to appoint a committee, consisting of not less than five members, who shall be residents of said city, to devise ways and means of celebrating the two hundred and fiftieth anniversary of the city of Waltham, and to make all arrangements in connection with the celebration thereof. The mayor shall designate one of said members as general chairman and another as treasurer of said committee. The treasurer shall deposit all receipts of the committee in the special revolving fund as provided in section three. Said treasurer shall give bond for the faithful performance of his duties in such form and in such amount as the mayor may determine. The committee shall elect from its membership a secretary. Said committee may expend for the aforesaid purposes such sums as it deems necessary, including the expenses for stationery, advertising, and stenographic services. The members of said committee shall receive no compensation for their services. Said committee is hereby authorized to receive donated grants, contributions, and other monies in carrying out the purposes of this act.

SECTION 2. The city of Waltham is hereby authorized to appropriate such sums as it may determine to be necessary to carry out the purposes of this act.

SECTION 3. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the city of Waltham is hereby authorized to establish in its treasury a special revolving fund in which shall be deposited any and all appropriations, receipts, contributions, grants, and other monies of the committee established to celebrate the two hundred and fiftieth anniversary of the city of Waltham. Said funds shall be kept separate by the city treasurer from any other money, funds, or property of the city of Waltham, and the principal and interest thereof shall, from time to time, by authorization of the majority of the committee established by this act, be expended without further appropriation for the purposes of said celebration in the year of such celebration and in the year preceding or succeeding such celebration. All

such funds shall be fully accounted for by said committee to the city council of the city of Waltham at the end of each fiscal year while such fund is in existence and after such celebration is concluded. Any surplus remaining in said special revolving fund after such celebration is concluded, shall be transferred into the treasury of the city of Waltham.

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

Approved July 25, 1988.

Chapter 167. AN ACT AUTHORIZING THE CITY OF WORCESTER TO CONSTRUCT A BAND SHELL IN INSTITUTE PARK IN SAID CITY.

Be it enacted, etc., as follows:

In accordance with the provisions of section seven of chapter forty-five of the General Laws, the city of Worcester is hereby authorized to construct a replacement band shell in a certain park known as Institute park in said city.

Approved July 25, 1988.

Chapter 168. AN ACT RELATIVE TO THE MENTAL HEALTH ADVISORY COUNCIL.

Be it enacted, etc., as follows:

Section 11 of chapter 19 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "seven", in line 21, the following words:- , one shall be a professional in the field of children's mental health and.

Approved July 25, 1988.

Chapter 169. AN ACT RELATIVE TO NOTIFICATION TO NEW EMPLOYEES ABOUT DEDUCTIONS FROM WAGES.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 150A, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 150A. Every person making deductions from the wages of any employee for social security, unemployment compensation benefits, pension, vacation or health and welfare funds, and every person engaged

in contracting or sub-contracting, highway or building construction projects or public works construction who is party to an agreement to make contributions for unemployment compensation benefits, pension, vacation or health and welfare funds or apprentice training programs for the benefit of any employee, or who is required to make such contributions to such funds or programs or payments directly to the employee under the provisions of section twenty-seven, and which contributions or payments are computed on an hourly, daily, weekly or monthly basis, when requested by the employee or his representative, shall notify in writing such employee of the amounts and nature of such deductions or contributions at the time of the payment of the wages from which such deductions are made and in the case of contributions at the time when such contributions are made; provided, however, that a new employee shall be notified in writing at the time of the first payment of his wages about the nature of such deductions and contributions; and provided, further, that all employees shall be notified in writing at the initial time of any new deduction or contribution from the wages about the nature of such deductions and contributions.

Approved July 25, 1988.

Chapter 170. AN ACT RELATIVE TO REQUESTS FOR PLACEMENT BY CHILDREN IN NEED.

Be it enacted, etc., as follows:

Clause (c) of section 39G of chapter 119 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- Said department shall give due consideration to the requests of the child that such child be placed outside the home of any parent or guardian when there is a history of abuse and neglect in such home by such parent or guardian.

Approved July 25, 1988.

Chapter 171. AN ACT INCREASING THE PENALTIES FOR VIOLATIONS OF ORDINANCES IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

Section 17 of chapter 240 of the acts of 1899 is hereby amended by striking out clause 4, as amended by chapter 949 of the acts of 1973, and inserting in place thereof the following clause:-

4. The power to make ordinances and to affix penalties for the violation thereof. The penalty for the violation of any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be a fine not to

exceed three hundred dollars for each offense; provided, however, that when a higher penalty is permitted by the General Laws, such higher penalty shall be the maximum for each offense.

Approved July 25, 1988.

Chapter 172. AN ACT REGULATING THE RETIREMENT BENEFITS OF CERTAIN PERMANENT-INTERMITTENT AND RESERVE POLICE OFFICERS AND FIRE FIGHTERS.

Be it enacted, etc., as follows:

Paragraph (b) of subdivision (2) of section 4 of chapter 32 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- For a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call fire fighter retiring from a governmental unit accepting the provisions of this sentence, the board shall credit, in addition to the five years of credit allowed pursuant to the preceding sentence, as one day of full-time service each day in any year which is subsequent to the fifth year following said appointment and on which a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call fire fighter was assigned to and actually performed duty as a reserve or permanent-intermittent police officer or reserve, permanent-intermittent or call fire fighter; provided, however, that such service as a permanent-intermittent or call fire fighter shall be credited only if such fire fighter was later appointed as a permanent member of the fire department; provided, further, that this sentence shall take effect in a city by vote of the city council in accordance with its charter, in a town which maintains a separate contributory retirement system by vote of the town meeting, in a town whose eligible employees are members of the county retirement system of the county wherein such town lies by vote of a town meeting and by acceptance by the county commissioners of said county, in a district which maintains a separate contributory retirement system by vote of the district meeting, and in a district the eligible employees of which are members of a county retirement system by vote of the district meeting and by acceptance of the county commissioners of said county.

Approved July 25, 1988.

Chapter 173. AN ACT RELATIVE TO THE TERMINATION OF JOINT FIRE AND POLICE DISPATCHING SERVICE AGREEMENTS IN THE COUNTY OF FRANKLIN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section four A of chapter forty of the General Laws, an agreement entered into by any town or district, located in the county of Franklin for joint fire and police dispatching service, may be terminated by any party thereto only after notice of such termination is given to each other party to the agreement at least one year prior to the date of termination approved by district or town meeting.

Approved July 25, 1988.

Chapter 174. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF MASSACHUSETTS ALZHEIMER'S AWARENESS WEEK.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15FFF, inserted by chapter 606 of the acts of 1987, the following section:-

Section 15GGG. The governor shall annually issue a proclamation setting apart the week following the Sunday following the first Monday of September as Alzheimer's Awareness Week and recommending that said week be observed in an appropriate manner by the people.

Approved July 25, 1988.

Chapter 175. AN ACT RELATIVE TO LENGTH OF MOTOR TRUCKS.

Be it enacted, etc., as follows:

Section 19 of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 5, the word "thirty-five" and inserting in place thereof the word:- forty.

Approved July 25, 1988.

EMERGENCY LETTER: August 2, 1988 @ 4:25 P.M.

Chapter 176. AN ACT AUTHORIZING CREDIT UNIONS TO HOLD INVESTMENTS BY BOOK ENTRY WHEN REQUIRED.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 171 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "and", in line 89, the following words:- shall be.

SECTION 2. Said section 21 of said chapter 171, as so appearing, is

hereby further amended by inserting after the word "union", in said line 89, the following words:- or be held by book entry procedure when required.

Approved July 25, 1988.

Chapter 177. AN ACT RELATIVE TO THE DATE OF THE ANNUAL MEETING OF MEMBERS OF CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 13 of chapter 171 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 annual meeting of the corporation shall be held at such time and place as the by-laws prescribe, but not later than one hundred and twenty days after the close of the fiscal year.

Approved July 25, 1988.

Chapter 178. AN ACT RELATIVE TO THE ISSUANCE OF SEARCH WARRANTS FOR FIGHTING BIRDS, DOGS AND OTHER ANIMALS.

Be it enacted, etc., as follows:

Section 88 of chapter 272 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "Animals", in line 11, the words:- or at the request of the Animal Rescue League of Boston.

Approved July 25, 1988.

Chapter 179. AN ACT RELATIVE TO PARKING FINES WITHIN TEN FEET OF A FIRE HYDRANT.

Be it enacted, etc., as follows:

Section 20A 1/2 of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 70, the words "any fine established under the provisions of this section", and inserting in place thereof the following words:- the fine for the violation of the parking of motor vehicles within ten feet of a fire hydrant shall not be more than one hundred dollars, and provided, further, that any fine established under the provisions of this section for all other parking violations.

Approved July 25, 1988

Chapter 180. AN ACT FURTHER REGULATING THE DISCLOSURE OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out subclause (k).

SECTION 2. Section 7 of chapter 78 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record as defined by clause Twenty-sixth of section seven of chapter four. Library authorities may disclose or exchange information relating to library users for the purposes of inter-library cooperation and coordination, including but not limited to, the purposes of facilitating the sharing of resources among library jurisdictions as authorized by clause (1) of section nineteen E or enforcing the provisions of sections ninety-nine and one hundred of chapter two hundred and sixty-six.

Approved July 25, 1988.

Chapter 181. AN ACT RELATIVE TO THE REDEVELOPMENT AUTHORITY IN THE TOWN OF WINCHENDON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section five of chapter one hundred and twenty-one B of the General Laws or any other general or special law to the contrary, four persons shall be appointed by the town manager and one person shall be appointed by the department of community affairs as members of the redevelopment authority of the town of Winchendon. Upon the initial appointment by the town manager, he shall designate one member who shall serve for a term of five years, one shall serve for a term of four years, one shall serve for a term of two years, and one shall serve for a term of one year, the member appointed by the department of community affairs shall serve initially for a term of three years. Thereafter as the term of any member of said redevelopment authority expires, his successor shall be appointed in the same manner for a term of five years from such expiration.

Approved July 25, 1988.

Chapter 182. AN ACT DESIGNATING A CERTAIN PUBLIC BUILDING FOR HANDICAPPED RESIDENTS IN THE TOWN OF UXBRIDGE AS THE ALBERT J. TANCRELL BUILDING.

Be it enacted, etc., as follows:

The house for handicapped residents constructed under the provision of chapter one hundred and twenty-one B of the General Laws, located on Veteran's parkway in the town of Uxbridge, shall be designated and known as the Albert J. Tancrell Building in honor of Albert J. Tancrell, a founding member of the Uxbridge Housing Authority who served as a commissioner of said authority for forty years. Suitable markers bearing such designation shall be attached thereto by the department of communities and development in compliance with the standards of said department.

Approved July 25, 1988.

Chapter 183. AN ACT FURTHER REGULATING THE CHARITABLE DONATION OF FOOD.

Be it enacted, etc., as follows:

SECTION 1. Section 328 of chapter 94 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "served", in line 16, the words:- ; provided, however, that no fee shall be charged for any such permit issued to such corporation.

SECTION 2. Said section 328 of said chapter 94, as so appearing, is hereby further amended by adding the following paragraph:-

The preparation of food in private homes for donation to a nonprofit corporation for distribution or serving by such corporation without charge or at a charge sufficient to cover the cost of handling such food shall not be subject to licensure or regulation. The department of public health shall provide advisory guidelines and interpretations for the safe and sanitary preparation of such food.

Approved July 25, 1988.

Chapter 184. AN ACT EXEMPTING THE POSITIONS OF CLERK TYPIST AND CLERK STENOGRAPHER OF THE FINANCE COMMITTEE IN THE TOWN OF BILLERICA FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the positions of clerk typist and clerk stenographer of the finance committee in the town of Billerica 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 incumbent of the positions of clerk typist or clerk stenographer of the finance committee in the town of Billerica on the effective date of the act.

Approved July 25, 1988.

Chapter 185. **AN ACT DESIGNATING THE BRIDGE ON UNITED STATES HIGHWAY 6 IN THE TOWN OF SWANSEA AS THE MARGARET F. BUTLER GOLD STAR MOTHER MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge on United States highway Route 6 crossing Cole's river in the town of Swansea shall be designated and known as the Margaret F. Butler Gold Star Mother Memorial bridge. Suitable markers bearing such designation shall be erected thereon by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved July 25, 1988.

Chapter 186. **AN ACT FURTHER REGULATING CERTAIN GRIEVANCE PROCEDURES.**

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 150E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- Where binding arbitration is provided under the terms of a collective bargaining agreement as a means of resolving grievances concerning job abolition, demotion, promotion, layoff, recall, or appointment and where an employee elects such binding arbitration as the method of resolution under said collective bargaining agreement, such binding agreement shall be the exclusive procedure for resolving any such grievance, notwithstanding any contrary provisions of sections thirty-seven, thirty-eight, forty-two to forty-three A, inclusive, and section fifty-nine B of chapter seventy-one.

SECTION 2. This act shall not apply to any contract provisions

entered into prior to the effective date of this act.

Approved July 25, 1988.
EMERGENCY LETTER: September 12, 1988 @ 9:55 AM

Chapter 187. 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 Elizabeth J. Dolan, who is a judge of the superior court in the commonwealth, in the town of Dartmouth on September twenty-third, nineteen hundred and eighty-eight between Sara Mitchell Von Henneberg of the city of Cambridge and Robert Perkins Bass, Jr. of the town of Hopkinton, state of New Hampshire, and the state secretary shall issue to said Honorable Elizabeth J. Dolan in her capacity as aforesaid a certificate of such authorization.

Approved July 26, 1988.

Chapter 188. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO GRANT AN EASEMENT IN A CERTAIN PARCEL OF PARK LAND IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield is hereby authorized to grant an easement to the New England Telephone Company in a certain parcel of park land. Said parcel is shown on a plan entitled "TELEPHONE EASEMENT LAND OF CITY OF PITTSFIELD", dated Feb. 1988 on file in the office of the commissioner of public works of said city. Said Plan being Plan No. 2/88.

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

Approved July 26, 1988.

Chapter 189. AN ACT ESTABLISHING THE ARBELLA MUTUAL INSURANCE COMPANY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the creation of a new mutual insurance company to write motor vehicle and other forms of insurance 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:

WHEREAS, A new domestic mutual company, shall be created to take the place of Lumberman's Mutual Casualty Company, American Motorists Insurance Company, American Manufacturers Mutual Insurance Company and American Protection Insurance Company otherwise known as the Kemper Group in the motor vehicle and homeowners insurance market in Massachusetts, and

WHEREAS, the Kemper Group has committed to funding the domestic mutual company with capital and other support services, including support services, including one hundred and nineteen million dollars in guaranty funds, and

WHEREAS, the new domestic mutual company shall not be considered a newly emerging company or a newly writing company for the purpose of the company's status as a member of Commonwealth Automobile Reinsurers otherwise known as CAR pursuant to the rules of operation of CAR in effect on the effective of this act, and

WHEREAS, the new domestic mutual company shall assume the Kemper Group's participation share of the CAR deficit and other CAR obligations for policy year 1988 and later, subject to terms and conditions as shall be approved by the Commissioner of Insurance.

SECTION 1. The commissioner of insurance is hereby authorized and directed to approve the formation of a mutual insurance company, to be known as Arbella Mutual Insurance Company, which shall be authorized to transact any and all kinds of insurance, as the commissioner shall approve. Except as provided herein, or in its articles of organization or by-laws, such company shall have all powers conferred upon a mutual insurance company incorporated in the commonwealth and shall be subject to all provisions of the General Laws which are now or may in the future be applicable to such companies.

SECTION 2. Arbella Mutual Insurance Company shall be governed by a board of directors elected by the policyholders of the company in accordance with the General Laws; provided, however, that the commissioner of insurance shall have the authority to remove any director of the company, upon notice and a finding that said director violated any provision of law or fiduciary duty for the protection of policyholders of the company, or negligently did or omitted to do any act, which materially impaired the sound financial condition of the

company or caused the company to refuse to issue motor vehicle policies which action resulted in a material disruption of the motor vehicle insurance market in Massachusetts. In making such determination, the commissioner may rely in whole or in part on the report of any competent person appointed in accordance with section three.

SECTION 3. In addition to any other powers contained in the General Laws with respect to the examination of the financial condition of insurance companies, whenever the commissioner of insurance deems it advisable, he may appoint a competent person who shall make such examination of the company as the commissioner determines, at the expense of the company. The commissioner may disapprove any auditor selected by the company and the commissioner may require appointment of a different auditor.

SECTION 4. Notwithstanding any other provision of any general or special law, Arbella Mutual Insurance Company shall:

(a) have in lieu of guarantee capital a guaranty fund in an amount as the commissioner shall initially determine. Said guaranty fund shall be considered surplus for the purpose of all provisions of chapter one hundred and seventy-five of the General Laws. Said guaranty fund shall be in the form of guarantee fund certificates and shall be subject to terms and conditions with respect to interest, repayment, and voting rights as the commissioner shall approve. The company shall not be subject to the provisions of said chapter one hundred and seventy-five, insofar as the provisions thereof relating to guarantee capital are inconsistent with this section, including but not limited to, sections seventy-seven, seventy-nine, eighty-five A, ninety-three and ninety-three F of said chapter one hundred and seventy-five;

(b) not be subject to the provisions of sections seventy-three, ninety A, ninety C, ninety-two, ninety-three, ninety-three A and ninety-three B of said chapter one hundred and seventy-five, insofar as they relate to subscriptions for insurance or securing initial applications for insurance;

(c) not be subject to the provisions of the first paragraph of sections fifty-eight and fifty-nine of said chapter one hundred and seventy-five;

(d) be authorized to issue nonassessable policies.

SECTION 5. Arbella Mutual Insurance Company may at any time submit a plan to the commissioner of insurance for conversion to a domestic stock insurance company. The commissioner shall, after due hearing and investigation, approve such conversion unless he determines that it is not in the best interest of the policyholders of the company or the public. The commissioner may at any time require the conversion of the company to a stock company if he determines that the financial condition of the company may become impaired and that no reasonable alternative methods are available to restore the financial stability of the company. Any such plan for conversion shall:

(a) be adopted by vote of a majority of the directors of the company; provided however, that if the commissioner of insurance requires said

company to convert to a stock company, approval of the plan by the directors shall not be required;

(b) be approved by a majority of the members of the company voting, in person or by proxy, at a meeting duly called for such purpose;provided, however, that if the commissioner of insurance requires said company to convert to a stock company, approval of the plan by the policyholders shall not be required;

(c) be approved by the commissioner of insurance as conforming to the requirements of this act and not prejudicial to the policyholders of such company or to the public interest;

(d) provide that an equitable share of the value of such company immediately prior to conversion, over and above all outstanding obligations of the company, shall be determined and distributed among the policyholders of such company, in accordance with a formula approved by the commissioner, which distribution may be in the form of shares of stock of the resulting stock company, or in cash, or in such other forms as the commissioner shall approve; provided, however, that as if the commissioner finds that the value of such company prior to conversion is insufficient to warrant any such distribution, the plan may provide for conversion without any such distribution;

(e) establish the class or classes of stock of the resulting stock corporation, and determine the voting and other rights of each such class, all as shall be approved by the commissioner;

(f) specify the terms and condition of the issuance of shares of stock of the company, after conversion, to any other person or entity which has or will make an investment in such company, including, but not limited to, the issuance of securities in exchange for outstanding securities, claims, or property interests, or partly in such exchange or partly in cash, all as shall be approved by the commissioner;

(g) include, as a part thereof, such amendments to the charter, articles of organization or by-laws of the company as are necessary or appropriate in connection with such conversion, which amendments, notwithstanding any other provision of law, may be adopted by a vote of the majority of the directors of such company and which shall be approved by the commissioner as conforming to the requirements of this act, without compliance with the notice and other requirements which may now exist in the charter or by-laws of such company if the commissioner finds that in view of the existing financial condition of such company, or the need for immediate remedial action or otherwise, non-compliance is in the best interests of the policyholders of such company.

SECTION 6. Any conversion authorized by this act shall not take effect until the commissioner of insurance issues a written certification that such conversion is in accordance with the requirements of this act and is fair and reasonable to the policyholders and in the public interest and such certificate is filed with the state secretary, together with the articles of organization of the stock company resulting from such conversion. The stock company resulting from said conversion

shall be subject to and shall comply with all provisions of the general or special laws applicable to insurance companies. The stock company shall be deemed to have been organized at the time the converted mutual was organized.

SECTION 7. Upon conversion, the officers and directors of Arbella Mutual Insurance Company shall remain as the officers and directors of the resulting stock company until their successors shall have been duly elected and qualified in accordance with the by-laws of the company, as the same may have been amended pursuant to the plan. No contracts, claims, suits, or other rights of or against the company shall be affected by such conversion. All rights, interests and properties of the mutual company shall, without any further deed or act, be transferred to and continue to be the property of the resulting stock company, and the resulting stock company shall assume and remain bound by all obligations and liabilities of the mutual company.

Approved July 26, 1988.

Chapter 190. AN ACT EXEMPTING THE POSITION OF LEAD PAINT INSPECTOR IN THE CITY OF LYNN FROM THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The position of lead paint inspector in the health department of the city of Lynn shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved July 26, 1988.

Chapter 191. AN ACT PROHIBITING A WAIVER OF DAMAGES IN ASBESTOS EXPOSURE CASES.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 6F the following section:-

Section 6G. No person, firm, corporation or other entity shall require any other person, firm, corporation or entity to execute a release or waiver of damages caused by exposure to asbestos or asbestos related materials. Any such release or waiver shall be void as against public policy.

Approved July 26, 1988.

Chapter 192. AN ACT FURTHER REGULATING THE FILING OF REPORTS BY THE EARLY CHILDHOOD ADVISORY COUNCIL.

Be it enacted, etc., as follows:

Section 54 of chapter 15 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:-

The board shall appoint a state advisory council on early childhood education. Members of the advisory council may include, but are not limited to, teachers, parents, representatives of state human service agencies, higher education, business, labor and government. Council members shall be broadly representative of the racial and ethnic diversity of the commonwealth. The advisory council shall be charged with conducting a comprehensive study of future trends in early childhood education and day care, including the provision of services to children from birth to age three, and shall report their findings to the board by January first, nineteen hundred and eighty-seven, and every second year thereafter. In addition, the advisory council shall review early childhood program evaluations, certifications and program standards, and make recommendations to the board on needed program changes. The board shall report on the progress of the early childhood grant program and make recommendations to the general court by filing the same with the clerk of the house of representatives and the clerk of the senate on or before June thirtieth, of each year.

Approved July 26, 1988.

Chapter 193. AN ACT FURTHER REGULATING PERMITTED SHOT-GUN SHELL SIZES.

Be it enacted, etc., as follows:

Section 66 of chapter 131 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "sunset", in line 6, the words:- ; provided, however, that the director shall promulgate rules and regulations prescribing the type and size of such BB shot.

Approved July 26, 1988.

Chapter 194. AN ACT RELATIVE TO THE SUDBURY RIVER.

Be it enacted, etc., as follows:

Chapter 177 of the acts of 1872 is hereby amended by striking out

section 4 and inserting in place thereof the following section:-

Section 4. Nothing contained in this act shall be construed as to authorize the Massachusetts Water Resources Authority as supplier of water to the city of Boston and other cities and towns to reduce the water in the Sudbury river below a sufficient height to maintain at all times a running stream therein, which during the period when said Massachusetts Water Resources Authority is taking water for the use of those communities supplied by it from any point or points above the so-called Framingham Dam number one on the Sudbury river, shall mean that said Massachusetts Water Resources Authority must leave flowing past said Framingham Dam number one a reasonable instream flow in the Sudbury river and may not take water from said Sudbury river during such period as the flow past said Framingham Dam number one would be insufficient to maintain a reasonable instream flow; provided, however, that any withdrawals from the Sudbury river by the Massachusetts Water Resources Authority shall be pursuant to the applicable provisions of chapter five hundred and ninety-two of the acts of nineteen hundred and eighty-five and chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-three.

Approved July 26, 1988.

Chapter 195. AN ACT AUTHORIZING THE TOWN OF AMHERST TO CONVEY CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

The town of Amherst is hereby authorized to transfer the care, custody, and control of two certain parcels of land acquired for recreation and conservation purposes from the conservation commission and the leisure services and supplemental education department to the board of selectmen of said town. Said board of selectmen is hereby authorized to sell and convey said parcels for residential purposes.

Said parcels are identified as Parcel B and Parcel C in an order of taking dated April twenty-ninth, nineteen hundred and eighty-seven, recorded in the registry of deeds in the county of Hampshire on April thirtieth, nineteen hundred and eighty-seven.

Approved July 26, 1988.

Chapter 196. AN ACT AUTHORIZING THE CITY OF NORTHAMPTON TO CONVEY CERTAIN PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The city of Northhampton, acting by and through the city council of said city, is hereby authorized to convey a certain parcel of

land, under management and control of the Northhampton conservation commission, to the Richard C. and Patricia A. Martin Revocable Trust in exchange for another parcel of land which shall be conveyed to the said conservation commission.

Both parcels of land are shown on a plan of land entitled, "Plan of Land in Northampton, Massachusetts Prepared for the Richard C. and Patricia A. Martin Revocable Trust" dated January 12, 1988, prepared by Almer Huntley, Jr. and Associates, Inc., which is on file in the office of planning and development in the city of Northampton.

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

Approved July 26, 1988.

Chapter 197. 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 Susan Melville in the town of Plympton on July thirtieth, nineteen hundred and eighty-eight between Thomas F. Bowes III of the town of Plympton and Emma Francis of the city of New York, and the state secretary shall issue to said Susan Melville in her capacity as aforesaid a certificate of such authorization.

Approved July 26, 1988.

Chapter 198. AN ACT TRANSFERRING CONTROL OF A CERTAIN PARCEL OF LAND IN THE TOWN OF YARMOUTH TO THE BOARD OF SELECTMEN.

Be it enacted, etc., as follows:

SECTION 1. The town of Yarmouth is hereby authorized to transfer the care, custody, management and control of a certain parcel of land from the conservation commission of said town to the board of selectmen of said town to be used as part of the septage treatment plant site.

Said parcel is shown on a plan entitled "Sketch plan of land in West Yarmouth, MA., for the town of Yarmouth, scale 1" = 100' January 23, 1987 Town of Yarmouth Engineering Department". Said parcel contains approximately 5.4 acres of land as shown on said plan.

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

Approved July 26, 1988.

Chapter 199. 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. The first paragraph of section 40E of chapter 7 of the General Laws, as amended by section 51 of chapter 564 of the acts of 1987, is hereby further amended by striking out, in line 4, the word "of" and inserting in place thereof the word:- to.

SECTION 2. Chapter 10 of the General Laws is hereby amended by striking out section 35H, inserted by section 3 of chapter 697 of the acts of 1987, and inserting in place thereof the following section:-

Section 35I. There shall be, in the office of the state treasurer but not subject to his control, a retirement law commission consisting of seven members, three of whom shall be appointed by the governor with the advice and consent of the council, three of whom shall be appointed by the state treasurer with the advice and consent of the council, and one of whom shall be chosen by the first six members and who shall be the chairman and 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 2A. The second paragraph of section 65 of chapter 15 of the General Laws, as appearing in section 8 of chapter 727 of the acts of 1987, is hereby amended by striking out, in line 7, the word "included" and inserting in place thereof the following word:- include.

SECTION 3. Chapter 23A of the General Laws is hereby amended by striking out section 32, as amended by section 4 of chapter 342 of the acts of 1987, and inserting in place thereof the following section:-

Section 32. 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, 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 herein 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 4. Said chapter 23A is hereby further amended by striking out section 35, as most recently amended by section 5 of chapter 769 of the acts of 1987, and inserting in place thereof the following section:-

Section 35. (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. 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.

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 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 on 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 chapter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

SECTION 5. Paragraph (4) of section 44 of said chapter 23A, as appearing in section 35 of chapter 525 of the acts of 1987, is hereby amended by striking out, in line 11, the second time it appears, the word "of" and inserting in place thereof the following word:- in.

SECTION 6. Section 11 of chapter 25A of the General Laws, as amended by section 6 of chapter 670 of the acts of 1987, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

With respect to any grants of funds of the commonwealth made to, or grant agreements involving funds of the commonwealth entered into with any city, town, sewer district or regional school district after January first, nineteen hundred and eighty-four, the secretary shall require that a portion of such grant be repaid to the commonwealth. The required repayment amount shall not be less than thirty per cent of the amount of any such grant and the time period allowed for such repayment shall not exceed ten years from the date of such grant. 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. To facilitate repayment of any grant amount the secretary may require the city, town, or regional school district to authorize the commissioner of revenue to deduct the amount of its repayment due in each fiscal year from any local aid distribution, grant or appropriation made to the city, town, sewer district or regional school district. Any amounts so deducted shall be paid into the General Fund.

SECTION 7. The fourth sentence of paragraph (c) of section 10 of

chapter 28A of the General Laws, as appearing in section 3 of chapter 773 of the acts of 1987, is hereby amended by striking out, in line 5, the first time it appears, the word "a" and inserting in place thereof the following word:- an.

SECTION 8. The last paragraph of section 21D of chapter 40 of the General Laws, as amended by section 2 of chapter 609 of the acts of 1987, is hereby further amended by striking out, in line 4, the word "districts" and inserting in place thereof the following word:- district.

SECTION 9. Section 9 of chapter 40B of the General Laws, as amended by section 45 of chapter 525 of the acts of 1987, is hereby further amended by striking out the second sentence.

SECTION 10. Section 8 of chapter 40E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 3, the words "commissioner of commerce and" and inserting in place thereof the words:- executive director of the Massachusetts office of business.

SECTION 10A. Said section 8 of said chapter 40E, as so appearing, is hereby further amended by striking out, in line 20, the words "department of commerce and" and inserting in place thereof the words:- Massachusetts office of business.

SECTION 11. Section 10 of chapter 43C of the General Laws, as appearing in chapter 756 of the acts of 1987, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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 a 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.

SECTION 12. Section 31E of chapter 63 of the General Laws, as appearing in chapter 736 of the acts of 1987, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) The depreciation deduction that may be taken with respect to any motor vehicle qualifying for a credit hereunder shall be based on its cost less the credit allowable hereunder.

SECTION 13. Section 29 of chapter 23 of the acts of 1988 is hereby amended by striking out, in line 4, the words "Section 31E" and inserting in place thereof the following words:- Section 31G.

SECTION 14. Section 16B 1/2 of chapter 71 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting

after the first sentence the following two sentences:- 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 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.

SECTION 15. Said section 16B 1/2 of said chapter 71, as so appearing, is hereby further amended by adding the following paragraph:-

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.

SECTION 16. Section 5N of chapter 111 of the General Laws, as appearing in section 4 of chapter 549 of the acts of 1987, is hereby amended by striking out, in line 16, the words "uses of" and inserting in place thereof the following words:- use or.

SECTION 16A. Said section 5N of said chapter 111, as so appearing, is hereby further amended by striking out, in line 29, the word "specific" and inserting in place thereof the following word:- specified.

SECTION 17. Paragraph (b) of section 197 of said chapter 111, as appearing in section 9 of chapter 773 of the acts of 1987, is hereby amended by striking out, in line 4, the words "one hundred and ninety A" and inserting in place thereof the following words:- one hundred and ninety-nine A.

SECTION 18. Section 197B of said chapter 111, as so appearing, is hereby amended by striking out, in lines 14 and 36, the word "paragraph (c)" and inserting in place thereof, in each instance, the following word:- paragraph (e).

SECTION 19. Section 199 of said chapter 111, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- No bank, lending institution, mortgage company or mortgagee, except where such mortgagee takes actual possession pursuant to applicable law, shall be liable in any action brought under this section.

SECTION 20. Said chapter 111 is hereby further amended by striking out section 205, added by section 121 of chapter 697 of the acts of 1987, and inserting in place thereof the following section:-

Section 206. 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 sixty-one A and said paragraph (e).

SECTION 21. Section 8 of chapter 111D of the General Laws, as amended by chapter 733 of the acts of 1987, is hereby further amended by striking out clauses (12) to (16), inclusive, and inserting in place thereof the following five clauses:-

(12) fail to report evidence of infectious disease in violation of section six or of any rule, regulation, or order made to implement section six;

(13) violate or fail to observe any requirement of this chapter or of a rule, regulation, or order made pursuant to this chapter, which the department has made subject to this section by regulation;

(14) knowingly and willfully make fraudulent representations regarding the results of any laboratory test or service. Any laboratory employee, clinical laboratory director, or owner of a clinical laboratory as defined in this chapter who knowingly and willfully makes fraudulent representation regarding the results of any laboratory test or service or who should have known of the fraudulent representation of laboratory test results shall be subject to the penalties set forth in this chapter;

(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; or

(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.

SECTION 22. Paragraph (b) of section 12 of chapter 111H of the General Laws, as appearing in section 5 of chapter 549 of the acts of 1987, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(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 and 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 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.

SECTION 23. Clause (b) of section 15 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 2, the word "propose" and inserting in place thereof the following word:- proposed.

SECTION 24. Paragraph (a) of section 30 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 2, the word "operator" and inserting in place thereof the following word:- operation.

SECTION 25. Paragraph (b) of section 38 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 23, the word "that" and inserting in place thereof the following word:- than.

SECTION 26. Paragraph (b) of section 40 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 1, the word "the" and inserting in place thereof the following word:- The.

SECTION 27. Paragraph (c) of said section 40 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 1, the word "the" and inserting in place thereof the following word:- The.

SECTION 28. The second paragraph of section 2 of chapter 118 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 23 the word "an", the second time it appears, and inserting in place thereof the following word:- a.

SECTION 29. The fourth sentence of the second paragraph of section 32R of chapter 140 of the General Laws, as amended by section 32 of chapter 465 of the acts of 1987, is hereby further amended by striking out, in line 6, the word "mobil" and inserting in place thereof the following word:- mobile.

SECTION 30. Section 15A of chapter 140D of the General Laws, inserted by section 2 of chapter 595 of the acts of 1987, is hereby amended by striking out, in line 6, the word "credit" and inserting in place thereof the following word:- card.

SECTION 30A. Clause (iii) of the fifth paragraph of section 2 of chapter 175G of the General Laws, as appearing in section 2 of chapter 650 of the acts of 1987, is hereby amended by striking out, in line 2, the second time it appears, the word "of" and inserting in place thereof the word:- or.

SECTION 31. Section four I of chapter one hundred and seventy-six B of the General Laws, inserted by section three of chapter three hundred and ninety-four of the acts of nineteen hundred and eighty-seven, is hereby repealed.

SECTION 32. Said chapter 176B is hereby further amended by striking out section 4K, inserted by section 2 of chapter 711 of the acts of 1987, and inserting in place thereof the following section:-

Section 4L. 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.

SECTION 33. Subsection (c) of section 20 of chapter 183B of the General Laws, as appearing in section 1 of chapter 760 of the acts of 1987, is hereby amended by striking out, in lines 1 and 2, the words "manager; to" and inserting in place thereof the following words:- manager, to.

SECTION 34. Subsection (d) of section 35 of said chapter 183B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The expenses thereunder shall be thereafter part of the time-share expenses.

SECTION 35. Paragraph (a) of section 38 of said chapter 183B, as so

appearing, is hereby amended by striking out, in lines 2 and 3, the words "and shall be furnished to the purchaser at the time of the signing of a contract to purchase".

SECTION 36. Clause (14) of paragraph (a) of section 38 of said chapter 183B, as so appearing, is hereby amended by striking out subclause (iii) and inserting in place thereof the following subclause:-

(iii) if a purchaser receives the public offering statement more than three business days before the date of signing a contract, he cannot cancel the contract for failure timely to receive the public offering statement.

SECTION 37. Subsection (a) of section 41 of said chapter 183B, as so appearing, is hereby amended by striking out, in line 10, the word "five" and inserting in place thereof the following word:- three.

SECTION 38. Section 1A of chapter 188 of the General Laws, inserted by chapter 194 of the acts of 1987, is hereby amended by inserting after the word "of", in line 14, the following word:- homestead.

SECTION 39. 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 30, the following:- (a).

SECTION 40. Section 19 of chapter 218 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "thirty-nine", in line 8, the 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 41. Section 60B of chapter 231 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

For the purposes of this section, a provider of health care shall mean a person, corporation, facility or institution licensed by the commonwealth to provide health care or professional services as a physician, hospital, clinic or nursing home, dentist, registered or licensed nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, or acupuncturist, or an officer, employee or agent thereof acting in the course and scope of his employment.

SECTION 42. Section 24A of chapter 233 of the General Laws, inserted by chapter 207 of the acts of 1987, is hereby amended by striking out, in line 3, the word "or" and inserting in place thereof the following word:- of.

SECTION 43. Chapter 465 of the acts of 1956 is hereby amended by striking out section 3A, inserted by section 123 of chapter 697 of the acts of 1987, and inserting in place thereof the following section:-

Section 3B. 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 44. The second paragraph of section 7A of said chapter 212, as appearing in section 9 of chapter 738 of the acts of 1987, is hereby amended by striking out, in line 11, the word "of" and inserting in place thereof the following word:- or.

SECTION 45. Section eight of chapter one hundred and thirty of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 46. Section fifty-six of chapter four hundred and sixty-five of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 47. Section fifty-seven of chapter five hundred and twenty-five of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 48. Section two of chapter five hundred and eighty of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 49. Section three of chapter seven hundred and thirty-nine of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 50. Section seven of chapter seven hundred and fifty-five of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 51. Section 17 of chapter 773 of the acts of 1987 is hereby amended by striking out, in line 3, the word "eleven" and inserting in place thereof the following word:- nine.

Approved July 26, 1988.

Chapter 200. AN ACT RELATIVE TO RESIDENTIAL CLASSIFICATION BURDENS.

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

purpose, which is to immediately provide property tax relief to the owners of residential 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 second paragraph of section 1A of chapter 58 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting the following sentence after the second sentence:- If adoption of said minimum residential factor would result in the residential property class bearing a higher percentage of the total property tax levy than the percentage of the total property tax levy imposed on the residential property class in the prior year, or if the adoption of said minimum residential factor would result in the residential property class bearing a higher percentage of the total property tax levy than the percentage of the total property tax levy imposed on the residential property class in the year prior to the year in which the minimum residential factor was first adopted, he shall determine a new minimum residential factor which shall be fifty per cent subject to an upward adjustment as may be required a) to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed one hundred and seventy-five per cent of the full and fair cash valuation of the taxable property in said class divided by the full and fair cash valuation of all taxable real and personal property in the city or town, or b) to provide that the adoption of said minimum residential factor shall not result in the residential property class bearing a lower percentage of the total property tax levy than the lowest percentage of the total property tax levy imposed on the residential property class in the years since he first certified that the locally assessed values represented the full and fair cash value.

SECTION 2. The first paragraph of section 5C of chapter 59, as so appearing, is hereby amended by striking out, in line 6, the word "ten" and inserting in place thereof the word:- twenty.

Approved July 26, 1988.

Chapter 201. **AN ACT AUTHORIZING THE CITY OF NEWTON TO UTILIZE A CERTAIN PARCEL OF LAND AS AN ADDITION TO AN EXISTING MUNICIPAL PARKING LOT.**

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to utilize a certain parcel of park land abutting the Newton centre municipal parking lot to provide additional parking in conjunction with the reconstruction

of such parking lot. Said land to be incorporated into the existing municipal parking lot is bounded and described as follows:

Beginning at the southwest corner of the new parking area which extends into the existing Town Green. This point is located approximately 46 feet north of the northerly curb line of Beacon Street and approximately 104 feet east of the easterly curb line of Centre Street;

Thence running in an northerly direction approximately 212 feet;

Thence running in an easterly direction approximately 15 feet;

Thence running in an southerly direction approximately 212 feet;

Thence running in an westerly direction approximately 20 feet to the point of beginning.

This parcel contains 3,710 square feet of land more or less.

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

Approved July 26, 1988.

Chapter 202. AN ACT RELATIVE TO CERTAIN REVENUES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 62 of the General Laws is hereby amended by striking out paragraph (e), as amended by section 2 of chapter 106 of the acts of 1988, and inserting in place thereof the following paragraph:-

(e) "Dividend", any item of federal gross income which is treated as a dividend under the provisions of the Code; or with respect to a federal S corporation treated as a C corporation or corporate trust under this chapter and chapter sixty-three, and any item of federal gross income which, but for Subchapter S of the Code, would be treated as a dividend under the Code.

SECTION 2. Paragraph (1) of subsection (a) of section 2 of said chapter 62, as amended by section 5 of said chapter 106, is hereby further amended by inserting after subparagraph (D) the following subparagraph:-

(E) Amounts excluded under Subchapter S of the Code with respect to a federal S corporation treated as a C corporation or corporate trust under this chapter and chapter sixty-three.

SECTION 3. Paragraph (2) of said subsection (a) of section 2 of said chapter 62, as appearing in the 1986 Official Edition, is hereby amended by inserting after subparagraph (A) the following subparagraph:-

(B) Amounts included under Subchapter S of the Code with respect to a federal S corporation treated as a C corporation or corporate trust under this chapter and chapter sixty-three.

SECTION 4. Paragraph (1) of subsection (d) of said section 2 of said chapter 62, as appearing in section 8 of chapter 106 of the acts of 1988, is hereby amended by adding the following subparagraph:-

(J) Any deduction allowed by Subchapter S of the Code with respect to a federal S corporation treated as a C corporation or corporate trust under this chapter and chapter sixty-three.

SECTION 5. The first sentence of paragraph (b) of section 8 of said chapter 62, as amended by section 12 of said chapter 106, is hereby further amended by striking out clause (v) and inserting in place thereof the following clause:- (v) has elected to be an S corporation, as defined in section thirteen hundred and sixty-one of the Code, for federal income tax purposes for the taxable year and is qualified as a Massachusetts S corporation under this chapter; provided, however, to the extent that income is taxable at the entity level under the Code such income shall also be so taxable to the corporate trust.

SECTION 6. Section 17A of said chapter 62, as appearing in the 1986 Official Edition, is hereby amended by adding the following subsection:-

(e) The provisions of this section shall only apply to shareholders of an S corporation, as so defined, which has total receipts for the taxable year of less than six million dollars. An S corporation, as so defined, with total receipts of six million dollars or more for the taxable year shall be taxed as a C corporation under section thirty-two or thirty-nine of chapter sixty-three and the shareholders thereof shall be taxed under this chapter as if such corporation were a C corporation for federal income tax purposes. Where an S corporation, as so defined, is a corporate trust under this chapter with total receipts of six million dollars or more for the taxable year, such corporate trust and the beneficiaries thereof shall be taxed under this chapter as if it were a C corporation for federal income tax purposes. The commissioner shall, by regulation, apply the six million dollar limitation to corporations or corporate trusts which may intermittently exceed such limit but which have average annual total receipts below such limit over a longer period of time; and shall, by regulation, apply such limitation on an aggregate basis to S corporations engaged in a unitary business and with majority stock ownership by common stockholders. The phrase "total receipts", as used in this subsection, means gross receipts or sales, less returns and allowances, and includes dividends, interest, royalties, net capital gains, rental income and all other income. The cost of goods sold or the cost of operations shall not be deductible in determining such total receipts.

SECTION 7. Section 24 of chapter 62C of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

If the books, papers, records, and other data of the taxpayer are so voluminous as to make a complete audit thereof impractical and inefficient, the commissioner may use such statistical sample methods in conducting such audit as may be agreed to by the parties and project the audit findings derived therefrom over the entire audit period to

determine the proper tax. If, after a good faith effort, the parties cannot reach such an agreement, the commissioner may utilize such statistical sample methods which he deems appropriate and which comply with the provisions of the Internal Revenue Code.

SECTION 8. Section 26 of said chapter 62C, as so appearing, is hereby amended by adding the following two subsections:-

(h) Except as otherwise provided in subsection (d), in the case of a return filed pursuant to section six or eleven, if the taxpayer omits from gross income an amount properly includible therein which is in excess of twenty-five per cent of the amount of gross income stated in the return, the tax may be assessed at any time within six years after the return was filed. For purposes of this subsection, in the case of a trade or business, the term "gross income" shall mean the total of the amounts received or accrued from the sale of goods or services, if such amounts are required to be shown on the return, prior to diminution by the cost of such sales or services. In determining the amount omitted from gross income, there shall not be taken into account any amount which is omitted from gross income stated in the return if such amount is disclosed on the return, or in a statement attached to the return, in a manner adequate to apprise the commissioner of the nature and amount of such item.

(i) Except as otherwise provided in subsection (d), in the case of a return filed pursuant to the provisions of sections twelve, fourteen or sixteen, if the return omits an amount of such tax properly includible thereon which exceeds twenty-five per cent of the amount of such tax reported thereon, the tax may be assessed at any time within six years after the return is filed. In determining the amount of tax omitted on a return, there shall not be taken into account any amount of tax which is omitted from the return if the transaction giving rise to such tax is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the commissioner of the existence and nature of such item.

SECTION 9. Clause (b) of paragraph 5 of section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by inserting after the word "year", in line 51, the words:- ; provided, however, that any deduction otherwise allowable which is allocable, in whole or in part, to one or more classes of income not included in a corporation's taxable net income, as determined under subsection (a) of section thirty-eight, shall not be allowed. In lieu of disallowing any deduction allocable, in whole or in part, to dividends not included in a corporation's taxable net income, five per cent of such dividends shall be includable therein, as provided in said subsection (a) of said section thirty-eight.

SECTION 10. Said clause (b) of said paragraph 5 of said section 30 of said chapter 63, as so appearing, is hereby further amended by striking out subclause (ii) and inserting in place thereof the following subclause:-

(ii) losses sustained in other taxable years; provided, however, that net operating losses as defined in section one hundred and seventy-two

of the federal Internal Revenue Code as amended and in effect for the taxable year of the losses which are sustained in taxable years ending on or after December thirty-first, nineteen hundred and eighty-nine, shall be allowed; provided, further, that such deduction shall be limited to a percentage of the net income for the taxable year as follows: twenty-five per cent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety, and before December thirty-first, nineteen hundred and ninety-one; fifty per cent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety-one, and before December thirty-first, nineteen hundred and ninety-two; seventy-five per cent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety-two, and before December thirty-first, nineteen hundred and ninety-three; and one hundred per cent of net income for taxable years ending on and after December thirty-first, nineteen hundred and ninety-three. Losses sustained in any taxable year may be carried forward for not more than five years and may not be carried back.

For the first five consecutive taxable years of a corporation, measured from the date of its organization whether or not organized under the laws of the commonwealth, so much of the loss as determined under section one hundred and seventy-two of the Federal Internal Revenue Code, as amended and in effect for the taxable year, as is represented by net operating loss carryovers for taxable years ending December thirty-first, nineteen hundred and seventy-five, and thereafter shall be deducted; provided, however, that such carryover losses shall not be allowed to any corporation fifty per cent or more of whose voting stock is owned by another corporation whether or not such owning corporation is taxable in this commonwealth; and provided, further, that in the case of a foreign corporation losses incurred before such corporation becomes subject to tax liability in this commonwealth shall not be allowed and.

SECTION 11. Paragraph 9 of said section 30 of said chapter 63, as so appearing, is hereby amended by adding the following sentence:- For the purpose of this paragraph, "advances" shall mean such interests in a corporation where a corporation-shareholder relationship exists, determined under such regulations as the commissioner may issue and under the provisions of section three hundred and eighty-five of the Federal Internal Revenue Code as amended and in effect for the taxable year and the regulations issued thereunder.

SECTION 12. Paragraph (a) of section 31A of said chapter 63, as so appearing, is hereby amended by inserting after the word "year", in line 14, the words:- is not taxable under chapter sixty A.

SECTION 13. Said section 31A of said chapter 63, as so appearing, is hereby amended by adding the following paragraph:-

(h) Any corporation entitled to a credit for any taxable year under

this section shall apply it only to its excise for any of the eligible taxable years. Such credit may not be applied against the excise liability of any other corporation pursuant to an election under the provisions of section thirty-two B.

SECTION 14. Section 32 of said chapter 63, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Four hundred dollars.

SECTION 15. Section 32B of said chapter 63, as so appearing, is hereby amended by adding the following two paragraphs:-

Where such election is made, each and every member of the consolidated group subject to taxation under section thirty-two or thirty-nine shall be included in such return of combined net income. The combined net income shall be determined as follows: (a) the taxable net income of each such corporation apportioned to this commonwealth pursuant to the provisions of section thirty-eight shall first be separately determined; and (b) the taxable net income of each such corporation, as so determined, shall then be added together and shall constitute their combined net income taxable under this chapter.

Any election made pursuant to this section shall be made on or before the due date, including any extension of time, for the filing of the return required under this chapter and chapter sixty-two C of each member of the group so participating. Corporations electing to file a combined return under this section must continue to file such a combined return for each succeeding taxable year unless and until they receive the written prior approval of the commissioner to file separate returns of income. Such approval shall be granted only if a valid business purpose, other than a reduction of tax, exists for the request. An application to file such separate returns, must be made on or before the due date, including any extension of time, for the filing of the return required under this chapter and chapter sixty-two C.

SECTION 16. Section 32D of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:- Any domestic business corporation or foreign corporation subject to tax under section thirty-two or thirty-nine, which is an S corporation, as defined under section thirteen hundred and sixty-one of the Federal Internal Revenue Code, as amended and in effect for the taxable year, for federal income tax purposes for any taxable year and which has total receipts for such taxable year of less than six million dollars, shall determine the net income measure of the excise imposed under section thirty-two or thirty-nine by taking into account the provisions of Subchapter S of said Code. The phrase "total receipts", as used in this section, means gross receipts or sales, less returns and allowances, and includes dividends, interest, royalties, net capital gains, rental income and all other income. The cost of goods sold or the cost of operations shall not be

deductible in determining such total receipts.

SECTION 17. Subsection (a) of section 38 of said chapter 63, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) Ninety-five per cent of dividends, exclusive of distributions in liquidation, included therein shall be deducted other than dividends from or on account of the ownership of:.

SECTION 18. Section 39 of said chapter 63, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Four hundred dollars.

SECTION 19. Paragraph (5) of section 1 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- "Engaged in business in the commonwealth", having a business location in the commonwealth; regularly or systematically soliciting orders for the sale of tangible personal property for delivery to destinations in the commonwealth or otherwise exploiting the retail sales market in the commonwealth through any means whatsoever, including, but not limited to, salesmen, solicitors or representatives in the commonwealth, catalogs or other solicitation materials sent through the mails or otherwise, billboards, advertising or solicitations in newspapers, magazines, radio or television broadcasts, computer networks or in any other communications medium; or regularly engaged in the delivery of property in the commonwealth.

SECTION 20. Section 2B of chapter 85 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "twenty" and inserting in place thereof the word:- thirty-five.

SECTION 21. Section 8 of chapter 89 of the General Laws, as so appearing, is hereby amended by striking out, in line 45, the word "twenty" and inserting in place thereof the word:- thirty-five.

SECTION 22. Section 1B of chapter 90 of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:-

Every person operating a motorized bicycle or riding as a passenger on a motorized bicycle shall wear protective headgear conforming with such minimum standards of construction and performance as the registrar may prescribe, and no person operating a motorized bicycle shall permit any other person to ride a passenger on such motorized bicycle unless such passenger is wearing such protective headgear.

A person convicted of a violation this section shall be punished by a fine of not more than twenty-five dollars for the first offense, not less than twenty-five nor more than fifty dollars for a second offense, and not less than fifty nor more than one hundred dollars for subsequent

offenses committed.

SECTION 23. Section 14B of said chapter 90, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five dollars for each offense.

SECTION 24. The first paragraph of section 20 of said chapter 90 is hereby amended by striking out, in lines 4 to 7, inclusive, as so appearing, the words "not more than twenty-five dollars for the first offense, not less than twenty-five nor more than fifty dollars for a second offense, and not less than fifty nor more than one hundred dollars for subsequent offenses" and inserting in place thereof the words:- not more than thirty-five dollars for the first offense, not less than thirty-five nor more than seventy-five dollars for a second offense, and not less than seventy-five nor more than one hundred and fifty dollars for subsequent offenses,- by striking out in line 23, the word "thirty" and inserting in place thereof the word:- forty,- and by striking out, in line 30, the word "sixty" and inserting in place thereof the word:- eighty.

SECTION 25. Said section 20 of said chapter 90, as amended by section 1 of chapter 83 of the acts of 1987, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Any person convicted of a violation of the provisions of section seventeen, or of a violation of a special regulation lawfully made under the authority of section eighteen shall be punished by a fine of not less than fifty dollars. Where said conviction is for operating a vehicle at a rate of speed exceeding ten miles per hour over the speed limit for the way upon which the person was operating, an additional fine of ten dollars for each mile per hour in excess of the ten miles per hour shall be assessed.

SECTION 26. The first paragraph of section 40 of chapter 131 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 two sentences:- To defray state and local administrative costs, each such notice shall be accompanied by a filing fee, payable to the city or town, to be determined on a sliding scale basis by the commissioner of administration after consultation with the secretary of environmental affairs. Fifty per cent of amounts collected in excess of twenty-five dollars from each such filing fee shall be paid over to the state treasurer and credited to the General Fund.

SECTION 27. Section 87A of chapter 276 of the General Laws, as so appearing, is hereby amended by adding the following four paragraphs:-

The court shall assess upon every person placed on supervised probation a monthly probation day supervision fee, hereinafter referred

to as "probation fee", equal to not less than one day's net wages nor more than three days' net wages, based on said person's daily net wages at the time of sentencing; provided, however, that the amount of said probation fee may be modified by the court at any time in accordance with any changes in said wages. Said person shall pay said probation fee once each month during such time as said person remains onsupervised probation. Notwithstanding the foregoing, said fee shall not be assessed upon any person accused or convicted of a violation of section one or fifteen of chapter two hundred and seventy-three, where compliance with an order of support for a spouse or minor child is a condition of probation.

The court may waive payment of said probation fee in whole or in part if it determines after a hearing that such payment would constitute an undue hardship on said person or his family due to limited income, employment status, or any other factor. If said fee is waived and the court determines that said person is able to work, then in lieu of payment of said probation fee the court shall require said person to perform unpaid community work service at a public or nonprofit agency or facility, as approved and monitored by the probation department, for not less than one day per month. Such waiver shall be in effect only during the period of time that said person is unable to pay his monthly probation fee.

The court may waive said probation fee in whole or in part if said person is assessed payment of restitution. In such cases, said probation fee may be waived only to the extent and during the period that restitution is paid in an amount equivalent to said probation fee.

Said probation fee shall be collected by the several probation offices of the trial court and transmitted to the state treasurer for deposit into the General Fund. The state treasurer shall account for all such fees received and report said fees annually, itemized by court division, to the house and senate committees on ways and means.

SECTION 28. Section 12 of chapter 794 of the acts of 1985, as amended by section 10 of chapter 35 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Upon the effective date of this act, all automobile law violations, as defined in section one of chapter ninety C of the General Laws, for which the assessment, heretofore considered a penalty or fine, does not exceed one hundred dollars for the first offense and does not provide for a penalty of imprisonment, excepting operation of a motor vehicle in violation of the first paragraph of section ten of chapter ninety of the General Laws, or violation of section twenty-five of said chapter ninety, shall be deemed civil motor vehicle infractions and not criminal offenses, and all statutes, ordinances, by-laws or regulations heretofore providing for such automobile law violations shall be so interpreted; provided, however, that violations of the provisions of section seventeen of said chapter ninety and violations of a special speed regulation lawfully made under the authority of section eighteen of said chapter ninety, shall be deemed civil motor vehicle infractions to which

this section shall apply.

SECTION 29. Notwithstanding the provisions of chapter sixty-three B of the General Laws to the contrary, declarations of estimated tax filed under said chapter sixty-three B with respect to taxable years ending on or after December thirty-first, nineteen hundred and eighty-eight shall include the amount which the taxpayer estimates as the additional taxes due by reason of the passage of this act; and the computation of the addition to the tax with respect to such declarations under section six of said chapter sixty-three B shall be made as if the provisions of this act were in effect and applicable to the preceding taxable year.

SECTION 30. The commissioner of administration is hereby directed to establish the schedule of fees authorized pursuant to section twenty-six of this act to be effective no later than October first, nineteen hundred and eighty-eight.

SECTION 31. At the election of the taxpayer, section fifteen shall also apply to all taxable periods for which the taxpayer has filed a return based upon the department of revenue's nineteen hundred and seventy-nine letter ruling No. 1979-42.

SECTION 32. The provisions of sections one to six, inclusive, section nine, and sections eleven to eighteen, inclusive, of this act shall apply to taxable years ending on or after December thirty-first, nineteen hundred and eighty-eight. The provisions of section seven shall apply to audits begun on or after August first, nineteen hundred and eighty-eight. The provisions of section eight shall apply to returns filed on or after August first, nineteen hundred and eighty-eight and to returns filed prior thereto where the period of time for assessment under subsection (b) of section twenty-six of chapter sixty-two C of the General Laws had not expired prior to said date. The provisions of section ten shall apply to taxable years ending on or after December thirty-first, nineteen hundred and eighty-nine. The remaining sections shall take effect upon its passage.

SECTION 33. The provisions of section nineteen of this act shall take effect on January first, nineteen hundred and eighty-nine.

Approved July 26, 1988.

EMERGENCY LETTER: July 26, 1988 @ 4:10 P.M.

Chapter 203. AN ACT PROVIDING FOR THE IMPROVEMENT OF THE COURTHOUSES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately improve courthouse facilities, 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 7 of the General Laws is hereby amended by inserting after section 41B the following section:-

Section 41C. The deputy commissioner of capital planning and operations shall: (1) be responsible for the acquisition, control and disposition of court facilities on behalf of the commonwealth, in the manner and to the extent provided in this chapter for other real property of the commonwealth; (2) provide facilities for the trial court, the appeals court and the supreme judicial court; (3) be responsible for planning and budgeting for such court facilities in the manner and to the extent provided in this chapter and in chapter twenty-nine for capital facilities of state agencies; and (4) have jurisdiction over capital facility projects undertaken by the office of the chief administrative justice of the trial court for such court facilities in the manner and to the extent provided in this chapter and in chapter one hundred and forty-nine for capital facility projects undertaken by state agencies. Notwithstanding any other general or special law to the contrary, all real property owned by the commonwealth for use as a courthouse, whenever such property was acquired, shall be held in the name of the commonwealth as provided in sections forty E and forty F, and the division of capital planning and operations shall hold the deeds to all such property as provided in section forty K.

There shall be within the division of capital planning and operations a director of court facilities. The director of court facilities shall be appointed by the deputy commissioner of capital planning and operations with the advice of the chief administrative justice of the trial court and the approval of the commissioner of administration, and may be removed in like manner. Said position shall not be subject to section nine A of chapter thirty or chapter thirty-one. Said director shall have the qualifications deemed necessary by said deputy commissioner. Said director shall perform such duties of said deputy commissioner with respect to court facilities as said deputy commissioner shall assign, including at least the duty to respond to any inquiry from a county, city or town or from the office of the chief administrative justice of the trial court regarding court facilities.

SECTION 2. Section 4 of chapter 29A of the General Laws is hereby amended by adding the following three paragraphs:-

The rental of court facilities pursuant to this section shall be governed by a lease subject to the approval of the division of capital planning and operations. Every county, city, or town which receives rental payments pursuant to this section shall submit a schedule, subject to approval by the chief administrative justice, detailing the cost of maintenance, repairs, utilities and debt service on the rented facilities. The chief administrative justice of the trial court shall file such schedules with the house and senate committees on ways and means within ten days of their

receipt. Every county, city or town which receives payments under this section shall maintain such funds in a separate account which shall be used solely for the maintenance of the rented facilities, and all rents paid to any such county, city or town shall be expended for courthouse maintenance costs. Each such county, city or town shall provide the chief administrative justice with all such data as he may request regarding such accounts and expenditures. The chief administrative justice shall monitor compliance with these accounting and expenditure requirements, and the state auditor shall annually audit said court facilities rental accounts and related accounts of such county, city, or town.

Every lease for the rental of such court facilities by the judicial branch shall contain uniform, statewide standards for the respective counties, cities and towns, with respect to issues including but not limited to expenditure reporting, safety, maintenance, repairs, security, and complaints by judicial personnel, and shall provide for automatic renewal except in cases of noncompliance with such standards and with accounting and expenditure requirements; provided, such standards shall be incorporated in the long-term leases of cities and towns upon the expiration and renewal of such leases. The counties, cities and towns shall provide the chief administrative justice with all such data as he may request to monitor compliance with such standards, and the chief administrative justice shall compile such data and present it to the court facilities council.

Each fiscal year, quarterly payments of the estimated rental amounts shall be made to each county equal to at least ninety per cent of the amount owed to such county for such rent per quarter of the preceding fiscal year pursuant to this section, subject to reconciliation based on accurate cost data in the fourth quarter or in the succeeding fiscal year; provided, however, that payments shall not be made for the third or fourth quarter to any county in the absence of a current lease and unless the county has submitted and the chief administrative justice has approved the required schedule of expenditures.

SECTION 3. Said chapter 29A is hereby further amended by adding the following section:-

Section 6. There is hereby established a court facilities council. The membership of the council shall consist of the following persons: the chief administrative justice for the trial court or his designee, who shall serve as chairman of the council; the administrative justices of the superior, district, juvenile court, Boston municipal court and probate departments of the trial court or their designees; appointed by the chief administrative justice, or the designee of such appointed justice; two sitting justices of the trial court, appointed by the chief administrative justice; a justice of the supreme judicial court or the appeals court, appointed by the chief justice of the supreme judicial court, or the designee of such appointed justice; the librarian of the social law library, or his designee; five representative county commissioners of counties which retain ownership of court facilities occupied by the judicial branch

of the commonwealth and a designee of Local 254 Service Employees International Union, AFL-CIO, appointed by the governor. All appointed members of said council shall serve three-year terms; provided, however, that of the first such county commissioners appointed to said council, two shall be appointed to serve one-year terms, two shall be appointed to serve two-year terms, and one shall be appointed to serve a three-year term; provided, further, that if any such appointed member shall cease to qualify for membership, the appointing authority shall appoint a successor to serve the remainder of the term of such disqualified member.

The council shall meet periodically and shall advise the deputy commissioner of capital planning and operations and the chief administrative justice of the trial court regarding the exercise of their powers and duties with respect to court facilities. The council shall study and periodically review the possibility of consolidating or sharing facilities across jurisdictional lines in order to avoid duplication and increase efficiency. The council shall monitor compliance by the counties, cities and towns with accounting and expenditure requirements and lease conditions established pursuant to section four, and shall report any noncompliance so significant as to jeopardize the safe or effective use by the judicial branch of a rented court facility to the house and senate committees on ways and means and to the joint committee on the judiciary, with a recommendation that the commonwealth assume control of such court facility; provided, however, that the chief administrative justice shall adopt criteria, with the advice of the council but without compliance with chapter thirty, specifying the type or degree of noncompliance necessary to justify such a recommendation.

SECTION 4. Chapter 211B of the General Laws is hereby amended by adding the following section:-

Section 17. The chief administrative justice, in addition to his judicial duties and subject to the superintendence power of the supreme judicial court, shall have charge of the daily care, operation and routine maintenance of court facilities owned by the commonwealth, and of long-range planning and capital budget requests for such court facilities. There shall be within the office of said chief administrative justice a court facilities bureau headed by a deputy administrator for court facilities, who shall be appointed by said chief administrative justice with the approval of the supreme judicial court and shall serve at the pleasure of said chief administrative justice. To the extent possible and appropriate, said chief administrative justice shall delegate his duties with respect to court facilities to said deputy administrator for court facilities.

In carrying out said duties with respect to court facilities, the chief administrative justice shall be governed by statutes applicable to facilities management and capital planning and budget requests by state agencies, including but not limited to: sections thirty-eight A 1/2 to forty-three L, inclusive, of chapter seven; sections seven A to seven K, inclusive, and sections twenty-six A and twenty-six B of chapter

twenty-nine; and sections forty-four A to forty-four M, inclusive, of chapter one hundred and forty-nine. Notwithstanding any other general or special law to the contrary, the chief administrative justice shall assign and allocate space occupied by the judicial branch in court facilities owned or leased by the commonwealth, and the deputy commissioner of capital planning and operations shall assign and allocate space in such facilities which said chief administrative justice determines is not needed by the judicial branch; provided, however, that the supreme judicial court shall resolve any disputes regarding the assignment and allocation of space. In carrying out said duties with respect to court facilities, the chief administrative justice shall regularly consult with the court facilities council established in section six of chapter twenty-nine A.

The chief administrative justice may charge a county, city or town an occupancy fee for the use of any portion of court facilities owned by the commonwealth. The amount of any such occupancy fee shall be limited to the cost of maintenance, repairs, and utilities attributable to the proportion of the usable floor space of such court facility occupied by such county, city or town. In the event the parties are unable to agree on the amount of the occupancy fee, the director of court facilities in the division of capital planning and operations shall, after hearing if requested by either party, establish such fee. All such fees shall be paid into the general fund of the commonwealth.

SECTION 5. The caption of Essex in section 1 of chapter 218 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second paragraph.

SECTION 6. Said caption of Essex in said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

The district court of Newburyport, held at Newburyport; Amesbury, Merrimac, Newbury, Newburyport, Rowley, Salisbury, and West Newbury; the central district court of northern Essex exercising concurrent jurisdiction in West Newbury.

SECTION 7. The first paragraph of section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading "district court of Marlborough" the following line:- district court of Newburyport.

SECTION 8. Class I of paragraph (1) of section 79 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading "first district court of southern Middlesex" the following line:- district court of Newburyport.

SECTION 9. Said paragraph (1) of said section 79 of said chapter 218, as so appearing, is hereby further amended by striking out Class III and inserting in place thereof the following class:-

Class III	third district court of Essex district court of Winchendon district court of Nantucket.

SECTION 10. All cases and proceedings pending in the second Essex division of the district court department held at Amesbury, shall be transferred to and pending in the Newburyport division of the district court department. All writs, process, judgments and orders issued by or returnable to the second Essex division of the district court department, held at Amesbury, shall continue with the same force and effect and be returnable to the Newburyport division of the district court department, and all rights and liabilities of the parties to any civil, criminal, juvenile or other proceeding previously commenced shall continue in full force and effect.

SECTION 11. Notwithstanding the provisions of any general or special law to the contrary, the position of first justice of the district court of Newburyport shall be held by the justice holding the position of first justice of the district court of Newburyport on the effective date of this section or the justice holding the position of first justice of the second district court of Essex, held at Amesbury, on the effective date of this section, whoever is senior in service, and the position of first associate justice of the district court of Newburyport shall be held by the justice holding the position of first justice of the district court of Newburyport on the effective date of this section or the justice holding the position of first justice of the second district court of Essex, held at Amesbury, on the effective date of this section, whoever is junior in service.

SECTION 12. Notwithstanding the provisions of any general or special law to the contrary, the clerk-magistrate who is senior in length of service between the clerk-magistrates of the second Essex division of the district court department, held at Amesbury, and the Newburyport division of the district court department shall become and have the powers, duties and compensation of clerk-magistrate of the Newburyport division of the district court department. The clerk-magistrate who is junior in length of service between the clerk-magistrates of the second Essex division of the district court department, held at Amesbury, and the Newburyport division of the district court department shall become and have the powers, duties and compensation of the first assistant clerk of the Newburyport division of the district court department; provided, however, that he shall suffer no loss in his rate of compensation as of the effective date of this section; and provided, further, that he shall thereafter receive additional increases in his rate of compensation only when the salary schedule established by law, or by the chief administrative justice of the trial court pursuant to law, for first assistant clerks with his number of years of service exceeds his rate of compensation on the effective date of this section.

Notwithstanding the provisions of any general or special law to the contrary, the chief probation officer who is senior in length of service

between the chief probation officers of the second Essex division of the district court department, held at Amesbury, and the Newburyport division of the district court department shall become and have the powers, duties and compensation of chief probation officer of the Newburyport division of the district court department. The chief probation officer who is junior in length of service between the chief probation officers of the second Essex division of the district court department, held at Amesbury, and the Newburyport divisions of the district court department shall become and have the powers, duties and compensation of assistant chief probation officer of the Newburyport division of the district court department; provided, however, that he shall suffer no loss in his rate of compensation as of the effective date of this section; and, provided further, that he shall thereafter receive additional increases in his rate of compensation only when the salary schedule in the applicable collective bargaining agreement for assistant chief probation officers with his number of years of service exceeds his rate of compensation on the effective date of this section.

SECTION 13. All clerical assistants, probation officers, court officers, and other personnel appointed to the Amesbury division of the district court department shall be transferred to the Newburyport division of the district court department.

SECTION 14. Except as otherwise provided in section thirteen, all personnel covered by sections five to thirteen, inclusive, of this act shall continue to serve in the judicial system of the commonwealth without reduction in compensation and without loss of seniority, vacation, sickness or retirement rights. The provisions of this section shall not prevent any person from being removed for cause in any manner provided by law.

SECTION 15. Notwithstanding the provisions of any general or special law to the contrary, there is hereby transferred to the commonwealth all right, title and interest in certain buildings and land occupied by the judiciary and owned by the county of Essex and the cities of Boston and Chelsea. Said buildings and land are identified as follows:-

Lawrence superior court
Suffolk county courthouse (old building)
Suffolk county courthouse (new building)
Brighton district court
Charlestown district court
Dorchester district court
East Boston district court
West Roxbury district court
Roxbury district court
South Boston district court
Chelsea district court

Such transfer shall occur on October first, nineteen hundred and eighty-eight. Upon such transfer, such buildings and land shall be

controlled by the deputy commissioner of capital planning and operations on behalf of the commonwealth, and operated and maintained by the office of the chief administrative justice of the trial court subject to the general superintendence of the supreme judicial court. Damages and consideration for such transfer shall be limited to an assumption by the commonwealth of the operation and maintenance of the buildings and land, including the annual debt service. All questions relating to the identification of said buildings and land and to payment by the commonwealth of such annual debt service shall be determined by the deputy commissioner for capital planning and operations, with the advice of the chief administrative justice of the trial court.

SECTION 16. The Suffolk county courthouse commission, established under chapter three hundred and eighty-three of the acts of nineteen hundred and thirty-nine is hereby abolished, and all property owned, controlled or in the custody of said commission shall be transferred to the commonwealth pursuant to section fifteen of this act.

SECTION 17. On or before January first, nineteen hundred and ninety, any county, by vote of the county commissioners or the county advisory board; any city, by vote of the city council and approval of the city manager in a city having a Plan D or Plan E form of charter, or by order of the mayor in any other city; and any town, by vote at the annual town meeting or a special town meeting; may elect to transfer to the commonwealth all right, title and interest held by said county, city or town in any or all buildings and land occupied by the judicial branch and owned by said city, county or town. Any transfer so elected shall occur on the July next following said election, by good and sufficient deed in recordable form, or by any other legal instrument or instruments in such form as to properly convey, assign or otherwise transfer. Upon such transfer, such buildings and land shall be controlled by the deputy commissioner of capital planning and operations on behalf of the commonwealth, and operated and maintained by the office of the chief administrative justice of the trial court subject to the general superintendence of the supreme judicial court. Damages and consideration for such transfer shall be limited to an assumption by the commonwealth of the operation and maintenance of the buildings and land, including the annual debt service. All questions relating to the identification of said buildings and land and to the payment by the commonwealth of such annual debt service shall be determined by the deputy commissioner for capital planning and operations, with the advice of the chief administrative justice of the trial court and the board of county commissioners of the county in question. Notwithstanding the provisions of any law to the contrary, an election to transfer buildings and land pursuant to this section by a governmental unit shall not be revoked or rescinded.

SECTION 18. After January first, nineteen hundred and ninety, in any county, upon an application signed by five hundred registered voters in

that county for an election upon the question of transferring to the commonwealth all right, title and interest held by said county in any or all buildings and land occupied by the judicial branch and owned by said county, the state secretary shall place the following question on the official ballot to be used in that county at the next state election:-

"Shall county elect to transfer to the commonwealth all right, title and interest held by said county in (describe either that portion if part of buildings and land are involved or state that all buildings and land are covered by this question) occupied by the judicial branch and owned by the county?"

If such question receives a majority of all the votes at that election, any transfer so voted shall occur on the following July first under the same terms of transfer as described in section seventeen.

The provisions of law relative to the signing of nomination papers of candidates for state office and to the identification and certification of names thereon and submission to the registrars therefor, shall apply to the applications submitted hereunder. Petition forms for such applications shall be made available for use on or before the fifteenth Tuesday preceding the final date for filing as provided in the next paragraph.

Applications shall be filed with the state secretary not later than the first Wednesday of August before the election at which the question is to be submitted.

SECTION 19. No later than forty-five days prior to any transfer pursuant to section fifteen, sixteen, seventeen or eighteen of this act, all books, papers, documents and records of any description, which are in the custody or control of any county, city or town which is transferring buildings and land occupied by the judicial branch pursuant to any of said sections, or of any other public agency, relating to the design, construction, management and operation of said buildings and land, shall be transferred to the use, ownership, custody and control of the deputy commissioner of capital planning and operations. Said deputy commissioner shall transfer any such books, papers, documents and records relating to the management and operation of said buildings and land to the chief administrative justice of the trial court. All questions relating to the identification of said books, papers, documents and records shall be determined by said deputy commissioner. Said counties, cities and towns shall, no later than forty-five days prior to any such transfer, provide said deputy commissioner with a statement listing and identifying in detail all property to be transferred and shall provide the chief administrative justice of the trial court with a financial statement itemizing expenses, liabilities and income relating to the operation of such buildings and land during the twelve months prior to the transfer. Such financial statement shall indicate which items have been paid or received and which items will remain payable or receivable as of the end of the twelve month period. Such financial statement shall be provided in preliminary form no later than forty-five days prior to the date of the transfer, and in final form upon the date of the transfer.

SECTION 20. Expenses, liabilities and income relating to the operation prior to acquisition by the commonwealth of buildings and land transferred pursuant to section fifteen, sixteen, seventeen or eighteen of this act and annual debt obligations with respect to such buildings and land which are due prior to such acquisition shall be borne and receivable by the respective counties, cities and towns whether or not billed, incurred or received by them prior to such acquisition. Expenses, liabilities and income relating to the operation of said buildings and land after such acquisition and annual debt obligations with respect to such buildings and land which are due after such acquisition shall be borne and receivable by the commonwealth. All duly existing contracts and obligations of the respective counties, cities and towns relating to the operation of said buildings and land which are in effect immediately prior to such acquisition shall be transferred to the chief administrative justice of the trial court to be performed in accordance with law. All questions regarding the identification of such expenses, liabilities, income, contracts, obligations and monies shall be determined by the supreme judicial court. The city of Boston shall complete all short-term and emergency capital repairs and improvements initiated prior to such acquisition, and all questions regarding the identification of such short-term and emergency capital repairs and improvements shall be determined by the deputy commissioner of the division of capital planning and operations.

SECTION 21. Upon acquisition by the commonwealth of the buildings and land transferred pursuant to section fifteen, sixteen, seventeen or eighteen of this act, all persons employed by the respective counties, cities and towns primarily for the operation and maintenance of said buildings and land and who hold such positions as of one hundred and eighty days prior to the date of such acquisition, shall be transferred to and shall become employees of the trial court, without loss of seniority, civil service status, or tenure under section fifty-one of chapter thirty-five of the General Laws, without loss of retirement rights, benefits or creditable service, without interruption of coverage for group life and health insurance benefits, and without reduction in compensation and or in year of service for the determination of the appropriate step-in-range to which any such employee shall be allocated in the appropriate salary grade, notwithstanding any change in title or duties resulting from such transfer and notwithstanding the provisions of any other general or special law to the contrary. Any employee so transferred shall be transferred without reduction in years of service for the purpose of determining the appropriate rate of annual accrual of vacation days, as provided under the applicable rules of the trial court or collective bargaining agreement. Any employee so transferred shall retain any credit for accrued and unused vacation days to which he was entitled at the time of such transfer; provided, however, that no additional vacation days shall be accrued except in accordance with said rules or collective bargaining agreement. Any employee so transferred shall become a member of the state retirement system; his accumulated

deductions, including interest, credited to his account in the county retirement system shall be transferred and credited to his account in the state retirement system; and his pension and retirement allowance shall be paid by the commonwealth subject to the provisions of chapter thirty-two of the General Laws, including, without limitation, the provisions of paragraph (c) of subdivision (8) of section three of said chapter thirty-two. The eligibility and insurance of such employees shall be transferred to the jurisdiction of the group insurance commission. Each such employee who is entitled to coverage under chapter one hundred and fifty E of the General Laws shall be accreted to the appropriate bargaining unit established for the commonwealth. All collective bargaining agreements covering any of the aforementioned employees which are in effect immediately prior to the transfer shall continue in full force and effect in accordance with law until modified pursuant to chapter one hundred and fifty E of the General Laws, but such employees shall no longer be subject to such agreements as of the date of said accretion. Nothing in this section shall be construed to confer upon any officer or employee any rights not held immediately prior to the transfer or to prohibit any reduction of salary, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited prior to such transfer. All questions regarding the retirement rights of said employees shall be determined by the board of the state employees' retirement system, all questions regarding the group insurance benefits of said employees shall be determined by the group insurance commission, and all questions regarding the collective bargaining rights of said employees shall be determined by the labor relations commission. All questions regarding the identification of the employees appropriate for transfer shall be determined by the chief administrative justice of the trial court; provided, however, that such county, city or town shall provide said chief administrative justice with a list of employees which it proposes to transfer no later than forty-five days prior to the date of such transfer; provided, further, said chief administrative justice shall within ten days thereafter notify the house and senate committees on ways and means of the numbers, positions and salary grades of employees proposed for transfer and within thirty days after such initial notice shall further notify said committees of the numbers, positions and salary grades of such employees as said chief administrative justice shall identify and recommend as appropriate for transfer.

SECTION 22. The deputy commissioner of capital planning and operations, in cooperation with the chief administrative justice of the trial court, shall develop a long-range plan, as required in section seven B of chapter twenty-nine of the General Laws, for the construction, renovation and repair of court facilities owned by the commonwealth, court facilities transferred to the commonwealth by section fifteen, sixteen, seventeen or eighteen of this act, and new court facilities, to be owned by the commonwealth, necessary to meet the space needs of the judicial branch, including judicial districts which are currently

inadequately housed in privately owned structures. Said plan shall take into account any capital improvements previously authorized for any of such court facilities. Said plan shall include a detailed analysis of the use of such court facilities and of any court facility owned by an adjacent county, city or town, including, to the extent possible: the geographical area served by each court facility; the population of each such geographical area; the past, current and projected civil and criminal caseload by trial court department in each such court facility; and an evaluation of the advisability of altering judicial districts or realigning jurisdiction in order to make more efficient use of court facilities. Said plan shall include a survey of all such court facilities to identify architectural barriers in each such courthouse that impede full accessibility to physically and sensory handicapped persons, and a plan of correction, including a prioritized list of repairs and renovations required to make each such courthouse fully accessible, the cost of such repairs and renovations, and a schedule with a proposed deadline for making each such court facility fully accessible. Said plan shall include an assessment of the child care needs of the employees working at each such court facility and of parents with court business at each such court facility, and shall recommend either the establishment of child care centers at such court facilities where appropriate under child care development policies of the division or other appropriate methods of meeting such child care needs. Except for repairs needed immediately to correct unsafe or overcrowded conditions as authorized in sections twenty-three and twenty-six of this act and projects for which a study is completed before the effective date of this act, capital facility projects funded through amounts appropriated in this act and through item 1102-9882 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven shall conform to said plan; provided, however, any such project may be undertaken as soon as the portions of said plan relevant to such project are complete and prior to the completion of said plan for all affected court facilities.

In the development of the long-range plan for court facilities pursuant to this section, said deputy commissioner and the chief administrative justice shall study the feasibility of transferring from a state agency to the trial court the use of and responsibility for maintenance of buildings owned by the commonwealth but not currently used by the trial court. Said study shall include but shall not be limited to a study of the advisability of transferring the use of the metropolitan district commission building at 20 Somerset street to the trial court for the Boston juvenile court or such other department of the trial court as said deputy commissioner and the chief administrative justice shall find appropriate.

SECTION 23. The division of capital planning and operations is hereby authorized and directed to expend an amount not to exceed three hundred million dollars, for the purposes of studies and designs, of the preparation of plans, of the acquisition of land, and of the construction or acquisition of buildings for court facilities to be owned by the

commonwealth, including an appellate courthouse to provide facilities for the supreme judicial court, the appeals court, the office of the chief administrative justice and the social law library, and a new courthouse constructed for the district court of western Worcester, as defined in section one of chapter two hundred and eighteen of the General Laws, including the cost of furnishings, equipment, relocation, and engineering contracts, and including improvements necessary to make such facility accessible to, functional for, and safe for use by physically and sensory handicapped persons; and for the purposes of studies and designs, of the preparation of plans, renovations and repairs to existing courthouses owned or acquired by the commonwealth, including the cost of furnishings, equipment, relocation, and engineering contracts and including improvements necessary to make such facility accessible to, functional for, and safe for use by physically and sensory handicapped persons; provided, however, that no more than fifty million dollars of said amount may be expended pursuant to section twenty-six of this act for repairs needed immediately to correct unsafe or overcrowded conditions. Any courthouse constructed, acquired, repaired or renovated pursuant to this section shall be made accessible to, functional for, and safe for use by physically and sensory handicapped persons.

SECTION 24. The division of capital planning and operations is hereby authorized and directed to expend a sum, not to exceed twenty million dollars, for the purpose of studies and designs, of the preparation of plans, of the acquisition of land, of the construction, renovation or acquisition of facilities to replace space occupied by a county, city, or town for its purposes and located in a court facility transferred to the commonwealth by section fifteen, sixteen, seventeen or eighteen of this act, including the cost of furnishings, equipment, relocation, and engineering contracts, and including improvements necessary to make such replacement facility accessible to, functional for, and safe for use by physically and sensory handicapped persons; provided, however, no amount shall be expended for such replacement facilities unless the deputy commissioner of capital planning and operations finds upon study that it is no longer feasible for such city, county or town to share the use of space in such court facility with the judicial branch, that such city, county or town has a compelling need for space for such purposes and for state financial assistance to provide such space, and that such city, county or town does not own any other facility which is appropriate for such purposes; provided, further, such city, county or town shall participate in the planning of any such replacement facility to the same extent as in any other capital facility project subject to the jurisdiction of the division of capital planning and operations; provided, further, the office of the chief administrative justice may forgive the occupancy fee pursuant to section sixteen of chapter two hundred and eleven B of the General Laws to any city, county or town which applies to the division of capital planning and operations for assistance with such a replacement facility and which demonstrates that payment of such fee would constitute a severe hardship; and provided, further, that any replacement

facility constructed, renovated or acquired pursuant to this section shall be owned by such county, city or town upon its completion. If such deputy commissioner finds upon such study that the most cost-effective and appropriate method of providing space for the judicial branch occupying such transferred court facility and of providing such replacement facility is removal of judicial functions to another facility and renovation of such transferred court facility for use for such purposes by such city, county or town, then renovation of such transferred court facility shall be a permissible use of the funds made available in this section, and, notwithstanding the provisions of section fifteen, sixteen, seventeen, or eighteen such court facility shall not be transferred to the commonwealth pursuant to such sections or, if such transfer occurs prior to the completion of such study, such renovated facility shall be transferred back to such county, city or town, upon completion of such renovation.

SECTION 25. The amounts appropriated by this act shall be in addition to previous appropriations made for the improvement of court facilities, including the amount of twenty-five million dollars made available pursuant to item 1102-9882 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven.

SECTION 26. For the purposes of repairs needed immediately to correct unsafe or overcrowded conditions, as authorized by section twenty-three of this act, the deputy commissioner of capital planning and operations may, after consultation with the director of project management, the director of court facilities, the chief administrative justice of the trial court, the deputy court administrator for court facilities, the librarian of the social law library or his designee, and such other persons as said deputy commissioner deems appropriate, recommend to the general court, in accordance with 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, and the utilization of modular buildings.

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 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 and construction of such project; and provided, further, that such recommended procedures shall provide for an open competition for design and construction publicly advertised pursuant to subsection (1) of section forty-four J of chapter one hundred and forty-nine of the General Laws. Said deputy commissioner shall file with his recommendations a report to the general court specifying his reasons for determining that such recommended alternative method is necessary and

feasible and setting forth a comparison of costs, time schedules and quality of construction between the recommended alternative and the procurement procedures that will apply if the alternative method is not approved.

Said deputy commissioner shall file his recommendation and report with the inspector general at least fifteen days before said deputy commissioner files said recommendation and report with the general court. The inspector general shall review the recommendation and report with respect to the prevention of fraud, waste and abuse, and shall make such comments as said inspector general deems warranted. At the request of said inspector general, said deputy commissioner shall annex the comments of said inspector general to the report of said deputy commissioner to the general court.

Said deputy commissioner shall file his recommendation and report, together with the comments, if any, of the inspector general, with the clerks of the senate and the house of representatives, the senate and the house committee on ways and means, and the joint committee on the judiciary and the joint committee on state administration and shall not proceed with the alternative method recommended for any construction contract until the general court and the governor have approved proceeding with design and construction as provided in the recommendations.

SECTION 27. The deputy commissioner of capital planning and operations shall establish a special unit for court facilities, to be headed by the director of court facilities provided for in section forty-one C of chapter seven of the General Laws. Said unit shall be assigned exclusively to expedite the planning, design, and construction of capital facility projects funded by this act and item 1102-9882 of section two B of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven. A similar special unit shall also be established by the chief administrative justice of the trial court. Said deputy commissioner in accordance with a schedule annually approved by the commissioner of administration or the chief administrative justice of the trial court in accordance with a schedule annually approved by the house and senate committees on ways and means may temporarily hire additional employees or consultants and assign any employee of the division of capital planning and operations or the office of the chief administrative justice, respectively, to the special units required for the supervision of said projects; provided, however, that the salaries and administrative expenses for both of the special units shall be paid from funds made available for such projects; and, provided further, that thirty days prior to the hiring or transfer of said additional employees, said deputy commissioner or the chief administrative justice of the trial court shall notify the house and senate committees on ways and means.

Nothing in this act shall be construed to prohibit the division of capital planning and operations or the trial court from initiating the planning, study and design process for a capital improvement to a courthouse transferred to the commonwealth because of the provisions of this act

prior to the actual date of such transfer.

SECTION 28. To meet the expenditures necessary in carrying out the provisions of section twenty-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 three hundred million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, the Courthouse Construction and Renovation Loan, Act of 1988, 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, in the year two thousand and eighteen. 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 provisions of this act, shall be general obligations of the commonwealth.

SECTION 29. To meet the expenditures necessary in carrying out the provisions of section twenty-four 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 twenty million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, the Local Office Replacement Loan, Act of 1988, 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, in the year two thousand and eighteen. 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 provisions of this act, shall be general obligations of the commonwealth.

SECTION 30. 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 sections twenty-three and twenty-four of this act, and may issue and renew from time to time notes of the commonwealth thereof, bearing interest payable at such time and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not

be later than June thirtieth, nineteen hundred and ninety-eight. 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 31. The provisions of sections five to fourteen, inclusive, of this act shall take effect on January first, nineteen hundred and ninety-one and the provisions of section sixteen shall take effect as of July first, nineteen hundred and eighty-eight. All other provisions of this act shall take effect upon its passage.

Approved July 26, 1988.

Chapter 204. AN ACT RELATIVE TO RETAIL SALES OF CERTAIN PAINTINGS.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by inserting after section 277B the following section:-

Section 277C. No person shall sell, or offer or expose for sale, or have in his possession with intent to sell, any painting which is not an original painting unless it is plainly labelled "not an original".

All labels required thereunder shall be securely attached to any such painting. Such labels shall be fixed in such a position that they may be conveniently examined and shall be in accordance with the provisions of this section.

No person shall advertise for sale such goods unless such advertisement contains the words "not an original". The word "person" in this paragraph shall not be construed to include a person owning or publishing a newspaper, owning or operating a radio or television station or other person furnishing an advertising medium for the sale of such goods.

Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars for each such painting.

For the purposes of this section, the phrase "original painting" shall mean a painting in any medium which has been independently created and executed and signed by the individual artist.

For purposes of this section, the word "person" shall mean a corporation, partnership, sole proprietorship or other similar business association engaged in the manufacture or sale of paintings.

Approved July 26, 1988.

Chapter 205. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO CONVEY TWO CERTAIN PARCELS OF LAND FOR INDUSTRIAL DEVELOPMENT.

Be it enacted, etc., as follows:

The city of Westfield, acting by and through its mayor and city council, is hereby authorized to acquire and convey two certain parcels of land, presently being used for agricultural purposes, for industrial development purposes. Said parcels are described as follows:-

Parcel One: That certain parcel of land designated as Parcel 7 on Map 63R, Timber Swamp Road, also known as Bennett Road, consisting of eighty and seventy-one one hundredths (80.71) acres, more or less, and further described in Book 2134, Page 587 in the Hampden County Registry of Deeds;

Parcel Two: That certain parcel of land situated on Timber Swamp Road, also known as Bennett Road, consisting of one hundred (100) acres, more or less, and further described in Book 754, Page 237 in Hampden County Registry of Deeds.

Approved July 26, 1988.

Chapter 206. AN ACT PROVIDING FOR ADDITIONAL JUDGES AND OTHER JUDICIAL NEEDS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 185 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 1, the word "three" and inserting in place thereof the word:- four.

SECTION 2. Section 19 of chapter 185C of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Clerks of the housing court department shall charge a fee of fifty dollars for the entry of an action, for the filing of a third-party complaint, and for the filing of a motion to intervene as plaintiff, which shall be paid by the party entering or filing the same; and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree of process authorized by law, except a temporary restraining order or preliminary injunction for the issuance of which the clerk shall charge fifty dollars; provided, however, that no fee for the entry of an action or for the issuance of a temporary restraining order or preliminary injunction shall be charged to the commonwealth or political subdivision thereof.

SECTION 3. Section three G of chapter two hundred and eleven of the General Laws is hereby repealed.

SECTION 4. Said chapter 211 is hereby amended by adding the following two sections:-

Section 26. The supreme judicial court may design, pilot test and implement statewide a program for the evaluation of judicial performance. The sole purpose of said program shall be the improvement of the performance of individual judges and of the judiciary as a whole and, notwithstanding any general or special law to the contrary, all information compiled by said program shall be confidential. The supreme judicial court may consult with a representative committee of judges, which it may appoint for this purpose, and with appropriate experts, including the special committee on evaluation of judicial performance of the American Bar Association, regarding the standards for judicial performance, the participants in and methodology for assessing judicial performance, the choice of a court division or department for pilot testing said evaluation program, and all other issues related to the design of said program. Said court may contract for technical assistance for the purpose of said program to the extent it deems necessary.

Section 27. The supreme judicial court may adopt rules requiring the justices of the commonwealth to participate in pre-service and in-service training programs for such periods and at such intervals as it deems advisable, and providing for the administration of such training requirements, including procedures for the approval of training programs to comply with such training requirements and for the submission by justices of affidavits of compliance with such training requirements.

SECTION 5. Section 1 of chapter 211A 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:- The appeals court shall consist of a chief justice and thirteen associate justices.

SECTION 6. Section 1 of chapter 211B of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "two hundred and seventy-seven" and inserting in place thereof the words:- three hundred and twenty.

SECTION 7. Said chapter 211B is hereby further amended by striking out section 2, as amended by section 6 of chapter 755 of the acts of 1987, and inserting in place thereof the following section:-

Section 2. There shall be seventy-six justices appointed to the superior court department, six justices appointed to the housing court department, four justices appointed to the land court department, forty-three justices appointed to the probate and family court department, eleven justices appointed to the Boston municipal court department, twelve justices appointed to the juvenile court department, and one hundred and sixty-eight justices and special justices appointed to the district court department. Except in the case of circuit justices, said appointments, in the case of the housing court department, the probate and family court department, the juvenile court department, and the district court department, shall be made to a particular division of

the department and a justice so appointed shall be considered a justice of the department for that division.

SECTION 8. Section 9 of said chapter 211B, as appearing in the 1986 Official Edition, is hereby amended by inserting after the seventh paragraph the following paragraph:-

The office of the chief administrative justice shall supervise, establish standards for, and monitor the automation of the case management system and of other appropriate operations of the trial court.

SECTION 9. Said chapter 211B, as so appearing, is hereby amended by adding the following section:-

Section 17. The chief administrative justice shall establish a judicial institute, subject to the general superintendence of the supreme judicial court, to provide for the training of the judicial and nonjudicial 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 court personnel. The institute shall be provided with suitable offices in the Suffolk county courthouse or elsewhere. The chief administrative justice may, within the limits of the amount appropriated therefor, appoint an executive director for said institute and such professional staff, clerks and assistants as it may require and may make such expenditures as may be necessary to execute effectively the functions of saidinstitute. The supreme judicial court shall appoint an advisory committee, which shall include at least one professor of law, judges representing the various departments of the trial court, a representative of the commissioner of probation, a clerk and a clerk-magistrate, for the purpose of advising the executive director and the chief administrative justice regarding the policies and programs of the institute. The further composition of the advisory committee and the terms of its members shall be determined by the supreme judicial court.

SECTION 10. Section 1 of chapter 212 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 3, the word "sixty-one" and inserting in place thereof the word:- seventy-six.

SECTION 11. Chapter 217 of the General Laws is hereby amended by inserting after section 3B the following section:-

Section 3C. There shall be six associate justices of the trial court appointed for the probate and family court department who shall be and perform the duties of circuit justices in such counties as the administrative justice shall from time to time designate, and when so

assigned they shall receive from the commonwealth the expenses incurred by them.

SECTION 12. The third paragraph of section 6 of chapter 218 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 29, the words "one hundred and fifty-three" and inserting in place thereof the words:- one hundred and sixty-eight.

SECTION 13. Section 22 of said chapter 218, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The procedure shall include the beginning of actions with an entry fee of ten dollars for claims of five hundred dollars or less and fifteen dollars for claims of greater than five hundred dollars, plus the costs of registered mail notice, but without summons and complaint and without requirement, except by special order of court, of any pleading other than a statement to the clerk or an assistant clerk, who shall reduce the same to concise written form in a docket kept for the purpose.

SECTION 14. Section 37 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in their place the following two sentences:- A petitioner to be examined for admission shall pay to the clerk of the court in which his petition is filed a fee of one hundred and fifty dollars upon the entry of his petition and a further fee of one hundred and fifty dollars upon the entry of any subsequent petition. A member of the bar of any other state who applies to be admitted without examination shall pay to the clerk of the court in which his petition is filed a fee of four hundred dollars.

SECTION 15. Section 88 of said chapter 221, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- Upon request of the presiding justice or any party, the stenographer shall furnish a transcript of his notes, or any part thereof, taken at a trial or hearing, for which he shall be paid by the party requesting it at the rate of three dollars per page for the original and one dollar per page for each additional copy ordered at the same time. In the event that daily copy is ordered by the presiding justice or any party, the rate shall be four dollars and fifty cents per page for the original copy and one dollar and fifty cents per page for each additional copy.

SECTION 16. Chapter 262 of the General Laws is hereby amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. The fees of the clerks of the district and Boston municipal court departments of the trial court in civil actions, shall be as follows:

For the entry of a complaint, third-party complaint, petition or other action, and for the filing of a motion to intervene as plaintiff, fifty dollars.

For the entry of supplementary proceedings under chapter two hundred and twenty-four, twenty dollars, which, together with the fees of witnesses and officers in such proceedings, shall be allowed the creditor as costs.

For the entry of a claim of trial by the superior court under section one hundred and four of chapter two hundred and thirty-one, fifty dollars.

For approving or disapproving by the court of sureties on bonds or recognizances, except bonds given for removal of actions to the superior court, thirty dollars.

For the entry of a civil appeal in the appellate division of the district court department, fifty dollars.

Notwithstanding the foregoing, for the entry of a complaint, petition, appeal or other action or removal from the district court by the commonwealth, no fee shall be paid; but, if the commonwealth prevails in the action, the fee shall be taxed against the other party.

SECTION 17. Section 4 of said chapter 262, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The fees of the clerks of the supreme judicial court for the commonwealth and for each of the counties and for the appeals court shall be as follows:

For the entry of a complaint, petition, appeal or other action, one hundred and fifty dollars.

For the filing of an application for further appellate review, two hundred dollars.

For the issuance of an injunction or restraining order, fifty dollars.

SECTION 18. Said chapter 262 is hereby further amended by striking out section 4A, as so appearing, and inserting in place thereof the following section:-

Section 4A. The fees of clerks of court of the superior court department of the trial court shall be as follows:

For the entry in the superior court department of the trial court of a complaint, third-party complaint, petition or other action, and for the filing of a motion to intervene as plaintiff, one hundred dollars.

For the filing of a petition to the county commissioners, twenty dollars, except that no fee shall be required from a municipality filing a petition to the county commissioners for the county in which it is located.

For the issuance of an injunction or restraining order, fifty dollars.

Notwithstanding the foregoing, for the entry of a complaint, petition or other action by the commonwealth no fee shall be paid and no fee shall be charged to the commonwealth for the issuance of an injunction or restraining order; but, if the commonwealth prevails in the action, the fees shall be taxed against the other party.

SECTION 19. Said chapter 262 is hereby further amended by striking out section 4C, as so appearing, and inserting in place thereof the

following section:-

Section 4C. Any party entering a complaint, petition or other civil action in any court of the commonwealth, except small claims cases, in which an initial filing fee is payable, and to which a separate docket number is assigned shall pay to the clerk of said court a surcharge of ten dollars in addition to the fee otherwise required by this chapter. A party entering a small claims action shall pay a surcharge of four dollars. All such charges collected pursuant to this section shall be transmitted monthly by the clerk of court to the treasurer and shall be credited to the Legal Assistance Fund, established in section twelve of chapter two hundred and twenty-one A.

SECTION 20. Section 39 of said chapter 262, as so appearing, is hereby amended by striking out, in line 4, the word "twenty-five" and inserting in place thereof the word:- fifty.

SECTION 21. Said chapter 262 is hereby further amended by striking out section 40, as so appearing, and inserting in its place the following section:-

Section 40. The fees of registers of the probate and family court department of the trial court, shall be as follows:

For the entry of a complaint for divorce or for affirming or annulling marriage, except as provided hereinafter for an action in equity, one hundred dollars.

For the entry of an action for separate support, fifty dollars.

For the entry of a petition for the probate of a will, for administration of the estate of a person deceased intestate, of a petition for administration of goods not already administered, with the will annexed or otherwise, of a petition under section thirty-five or thirty-six of chapter two hundred and nine by a husband or wife for authority to convey land as if sole, of a petition for partition, of a petition for change of name, of a petition for leave to carry on the business of the deceased, and for filing a representation of insolvency and for the entry of a petition for the appointment of a special administrator, conservator, trustee, receiver of the estate of an absentee, or a guardian except when the petitioner certifies that the ward's estate does not exceed one hundred dollars, fifty dollars.

For the entry of a petition for the sale of real or personal estate including sales of real estate subject to vested or contingent remainders and petitions for sale of real estate or removal or a petition for leave to lease real estate, of a petition for specific performance, of a petition for leave to mortgage real estate of a petition in equity except such as relates to separate support, adoption, or the custody or support of minors, of a petition for release of dower or curtesy, of a petition for letters to a foreign guardian, of a petition for leave to compromise, and of a petition for leave to pay debts, except when the petitioner or accountant certifies that the estate does not exceed one thousand dollars in value, fifty dollars.

For the entry of a general petition except such as relate to adoption,

or custody or support of minors, fifty dollars.

For the entry of petitions for the removal of a fiduciary, for amendment of record except such as relates to separate support, adoption, or the custody or support of minors, for discharge of surety, for new bond, for care of burial lot, for erection of a monument and for new inventory, thirty dollars each.

For filing a statement of voluntary administration, thirty dollars.

For the petition or application for allowance of an account where the gross value accounted for in Schedule A of said account is one thousand dollars or less, no fee; where said gross value is more than one thousand dollars but less than ten thousand dollars, thirty dollars a year; provided, however, that the fees shall not exceed one hundred and twenty dollars, regardless of the time covered by the account; where said gross value is not more than one hundred thousand dollars and not less than ten thousand dollars, fifty dollars for each year or major fraction thereof covered by such account; where said gross value is not more than five hundred thousand dollars and not less than one hundred thousand dollars, seventy dollars for each year or major fraction thereof covered by such account; where said gross value is more than five hundred thousand dollars and not more than one million dollars, one hundred dollars for each year or major fraction thereof covered by such account; where said gross value is more than one million dollars, two hundred dollars for each year or major fraction thereof covered by such account.

For filing a motion for the framing of jury issues, one hundred dollars.

For filing a will for safekeeping, forty dollars; provided, that no additional fee shall be charged for filing a will in substitution for a will previously filed and withdrawn.

For filing a bond, thirty dollars.

For issuance of an injunction or temporary restraining order, fifty dollars.

For entry of an action for the modification of a decree, one hundred dollars.

Notwithstanding the provisions of this section, no fee shall be charged for the filing of a complaint to modify a temporary order or final judgement relating to support, maintenance or education of a child nor for the issuance of a temporary restraining order against a spouse related to a complaint for divorce or separate support.

SECTION 22. Section one hundred and fourteen of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 23. Notwithstanding the provisions of section one or two of chapter two hundred and eleven B of the General Laws, section one of chapter two hundred and twelve of the General Laws, or section six of chapter two hundred and eighteen of the General Laws: the superior court department of the trial court shall consist of no more than sixty-eight justices in fiscal year nineteen hundred and eighty-nine, and no more than seventy-six justices in fiscal year nineteen hundred and

ninety and thereafter; the district court department of the trial court shall consist of no more than one hundred and sixty-one justices in fiscal year nineteen hundred and eighty-nine and no more than one hundred and sixty-eight justices in fiscal year nineteen hundred and ninety and thereafter.

Approved July 26, 1988.

EMERGENCY LETTER: July 26, 1988 @ 4:10 P.M.

Chapter 207. AN ACT FURTHER REGULATING EMPLOYMENT BY THE CITY OF LYNN.

Be it enacted, etc., as follows:

Article 8 of the charter of the city of Lynn, 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 8-12 and inserting in place thereof the following section:-

Section 8-12. No person shall simultaneously hold more than one full time city office for which a salary or other emolument is payable from the city treasury. The hours worked in any part time position shall not conflict with the hours worked in any full time position. Nothing in this section shall be deemed to supercede the provisions of section twenty of chapter two hundred and sixty-eight A of the General Laws.

Approved July 26, 1988.

Chapter 208 **AN ACT PROVIDING FOR A CAPITAL OUTLAY FACILITY PROGRAM FOR THE SYSTEM OF HIGHER EDUCATION FOR THE COMMONWEALTH.**

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

SECTION 1. To provide for a capital outlay facility program of studies, construction, reconstruction, alteration and improvements to the commonwealth's higher education system, and for the purchase of certain property, including furnishings and equipment, the sums set forth in sections two and three of this act, for the several purposes and subject to the conditions of this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

Item		
	Division of Capital Planning and Operations.	
1102-9897 For	project programming, studies and environmental impact reports, including cost estimates for community colleges, state colleges and universities	$4,000,000
1102-9898 To	cover unexpected contingencies in the cost of certain projects authorized under the provisions of this act, other than the acquisition of land; provided that in no event shall the cumulative amount allocated from this account to any one capital facility project exceed ten per cent of the total cost specified by the appropriation or authorization for that project	$3,500,000
	BOARD OF REGENTS OF HIGHER EDUCATION.	
	Academic and Facility Planning.	
7066-7890 For	a reserve for the preparation of long-range academic plans related to the definition of scale and scope of physical plant at each campus, and for the system as a whole provided that a study be performed on the feasibility of a future merger between Southeastern Massachusetts University and the Massachusetts Maritime Academy	$1,000,000
	Framingham State College.	
7111-7894 For	a study and the preparation of plans, if necessary, for the acquisition of land with buildings thereon, and the construction of a paved parking facility at Framingham State College including but not limited to site preparation, demolition of existing buildings, fill, drainage,	

Item

lighting, curbing, fencing, equipment, and all other costs incidental to construction, demolition, and acquisition; to be in addition to the amount appropriated in 7112-8842 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three; and provided further that this appropriation shall expire June thirtieth, nineteen hundred and ninety $500,000

Salem State College.

7114-7892 For study and the preparation of plans for a parking garage and for a study and preparation of plans for certain repairs and renovations of the student union building $300,000

Worcester State College.

7116-7890 For a study and the preparation of plans for construction of a new science and technology building $400,000

Massachusetts College of Art.

7117-7890 For (7117-8842) a study and the preparation of plans and construction for the repair and renovation of existing facilities, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 7117-8842 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three; provided, however, that none of the funds made available herein shall be available for expenditure unless and until the instruments of the below described conveyance are executed by the division of capital planning and operations; provided, further, that notwithstanding any general or special law to the contrary, the deputy commissioner of capital planning and operations is hereby authorized and directed to reconvey to the city of Boston all land said city conveyed to the commonwealth pursuant to the provisions of section four of chapter six hundred and eighteen of the acts of nineteen hundred and fifty-two, including any improvements thereon whether made prior or subsequent to said chapter six hundred and eighteen. Said deputy commissioner is also authorized and directed to convey to said city such additional land and improvements as may be necessary so that the total conveyance made pursuant to this item includes the Kennedy and Administration buildings, so-called, of the site of the former Boston State Teachers College and all land occupied by said buildings; provided, that the city of Boston shall use all property so conveyed solely for the purposes of Boston Latin Academy and failure to comply with said condition within six years, of said conveyance or the subsequent breach thereof shall cause a reversion of said property to the commonwealth; provided further, however that the

Item		
	Massachusetts College of Art or Boston Latin School may continue to occupy the buildings on a temporary basis for a period until occupancy by Latin Academy is imminent with the administrative consent of the controlling agency or the city of Boston, as the case may be; but in no event shall this period exceed six years provided further, the appropriate state officials shall cooperate fully with the appropriate city of Boston officials providing external access and any other matters concerning the operation of the Kennedy and Administration buildings after the conveyances authorized and directed by this act are made; and provided, further, the conveyances authorized and directed by this item shall occur within ninety days of the effective date of this act	$18,000,000
	Massachusetts Maritime Academy.	
7118-7893 For	a study to examine various alternatives for the repair or replacement of the steel bulkhead and for the preparation of plans and construction of the project and also for a study and the preparation of plans and construction of a small boat training facility including the cost of furnishings and equipment	$5,000,000
	University of Lowell.	
7220-7893 For	the purchase of land and buildings thereon in the city of Lowell; provided that the deputy commissioner of the division of capital planning and operations, acting on behalf of the commonwealth, is hereby authorized to acquire such property by purchase or by eminent domain, under the provisions of chapter seventy-nine of the General Laws, consisting of certain parcels of land located in the city of Lowell for the use of the University of Lowell and if deemed appropriate after the study, Middlesex Community College, provided that no payment shall be made for the purchase of said properties until independent appraisals of the value of the properties has been made by qualified, disinterested appraisers; and, further, for the study, design and construction of site and utility system improvements and other such interim and permanent construction, repair or demolition as are necessary to protect and improve and maintain said land and buildings for use by the University of Lowell and possible use by Middlesex College	$30,000,000
7220-7894 For	studies, for the preparation of plans, and for construction, repairs and renovations, where necessary, relating to campus development on the Mill Site in the city of Lowell for the University of Lowell, including engineering and computer science buildings, a library, a student services building, a parking facility, repairs to roads and walkways, site and infrastructure work including repairs of related equipment and drainage systems, landscaping and utilities; and	

Item		
	including the cost of furnishings and equipment	$50,000,000
7220–7898 For	a study and the preparation of plans and construction to repair and renovate the demonstration school on the west campus	$2,300,000
7310–7895 For	the acquisition of land and buildings in New Bedford formerly used by the Swain School of Design, provided that title to these buildings currently owned by the city of New Bedford, known here as Purchase Street West and Purchase Street East, be transferred from the city of New Bedford to the commonwealth of Massachusetts for one dollar, and provided further that the title to the property and building thereon owned by the Swain School of Design that is located on Elm Street may be transferred by the Swain School of Design to the commonwealth of Massachusetts free and clear of all encumbrances for one dollar; and for a study and the preparation of plans, if necessary, and for the repair and rehabilitation of said buildings	$5,300,000
	Southeastern Massachusetts University.	
7310–7893 For	the purchase of land and buildings thereon and for a study and the preparation of plans and construction of a coastal zone resource laboratory, including the cost of furnishings and equipment; provided, that the deputy commissioner of the division of capital planning and operations is hereby authorized to acquire land and buildings thereon, by purchase or by eminent domain, under the provisions of chapter seventy-nine of the General Laws, for the location of the laboratory for Southeastern Massachusetts University, provided that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser; provided further, that notwithstanding the provisions of any general or special law to the contrary, said deputy commissioner shall, in the course of determining the location of said facility, give priority to sites already owned by the commonwealth	$10,000,000
	University of Massachusetts, Amherst.	
7410–7890 For	a study and the preparation of plans and for construction of an engineering research building	$31,500,000
7410–7897 For	the study and the preparation of plans and the construction of a classroom building, including the cost of furnishings and equipment	$23,000,000
7410–7898 For (7410–8848)	the preparation of plans and construction of a polymer science research center and computer research center, including but not limited to repair and renovation of existing facilities and the construction of new facilities, provided, that all funds appropriated herein shall be used in conjunction with any federal funds available for said purpose; to be in addition to the amount appropriated in item 7410–8848 of section two B of chapter seven hundred and twenty-three of	

Item		
	the acts of nineteen hundred and eighty-three	$32,000,000
7410-7899 For	transfer to the University of Massachusetts Building Authority to be applied, together with other funds of the Authority, to the costs of constructing at the University of Massachusetts, Amherst, a multi-purpose convocation facility, which shall be named the William D. Mullins Memorial Center and the construction and financing of which, notwithstanding any other provision of law applicable to this appropriation or a project financed thereby, shall be subject only to laws otherwise applicable to projects of the Authority	$25,000,000
	University of Massachusetts, Worcester.	
7411-7894 For	studies and the preparation of plans, if necessary, and for repairs and renovations to the teaching hospital of the University of Massachusetts Medical Center; and for the procurement, in accordance with the provisions of this act, of modular buildings, furnishings and equipment to serve as an outpatient care facility at the University of Massachusetts Medical Center, and for the design and the construction of parking facilities	$11,000,000
	University of Massachusetts, Boston.	
7452-7894 For	a study and the preparation of plans for a student services building for the Harbor Campus, including renovation and/or new construction	$1,200,000
	Bristol Community College.	
7503-7891 For	a study, the preparation of plans and construction to provide an enclosed art gallery, including the cost of furnishings and equipment	$50,000
7503-7892 For	a study and the preparation of plans and the construction of a science/classroom building including the repair and renovation of existing facilities or an addition to an existing building, to provide appropriate classrooms, laboratories, offices and other space for related functions including the cost of furnishings and equipment	$6,000,000
	Greenfield Community College.	
7505-7890 For (7505-8843)	a study and the preparation of plans for an activities center; to be in addition to the amount appropriated in item 7505-8843 of section two B of chapter seven hundred and twenty-three of	

Item		
	the acts of nineteen hundred and eighty-three	$1,200,000
	Northern Essex Community College.	
7510-7892 For	a study and the preparation of plans and construction for a Lawrence campus for Northern Essex Community College, including the acquisition of land and buildings, repairs and reconstruction, building construction, site development, parking, utility distribution systems, including the cost of furnishings and equipment; provided, that Northern Essex Community College is authorized to lease privately owned space in the city of Lawrence from funds authorized in this item until newly constructed or renovated facilities authorized by this item are completed and available for occupancy; provided further, that the duration of such lease shall not exceed five years, and the cost of such lease shall not exceed five million dollars	$18,000,000
	Quinsigamond Community College.	
7512-7890 For	a study and the preparation of plans for a building to include a library, learning resource center, and a student union; to be in addition to the amount appropriated in item 7512-8843 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	$600,000
	Middlesex Community College.	
7516-7890 For	a study and the preparation of plans for a Lowell, Massachusetts campus	$3,400,000
7516-7891 For (7516-8843)	a study and the preparation of plans and construction for Middlesex Community College, including building construction, site development, parking, utility distribution systems, including the cost of furnishings and equipment; provided, that, Middlesex Community College is authorized to lease privately owned space in the city of Lowell from funds authorized in this item until newly constructed or renovated facilities authorized by this item are completed and available for occupancy; provided, further, that the duration of such lease shall not exceed five years, and the cost of such lease shall not exceed five million dollars	$33,000,000
	Bunker Hill Community College.	
7518-7892 For	a study and the preparation of plans and construction for a Chelsea campus for Bunker Hill Community College and related facilities, including the acquisition of land and buildings, repairs and construction, building construction, site development, parking, utility distribution	

Item		
	systems, including the costs of furnishings and equipment; provided, that Bunker Hill Community College is authorized to lease privately owned space in the city of Chelsea from funds authorized in this item until newly constructed or renovated facilities authorized by this item are completed and available for occupancy; provided further, that the duration of such lease shall not exceed five years, and the cost of such lease shall not exceed five million dollars	$18,500,000

SECTION 2A.

Item		
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
	Office of Management Information Systems.	
1101-7893 For	a reserve for the acquisition and upgrading of major computer systems, including the purchase and installation of certain computer and data processing equipment, subject to schedules submitted to and approved by the commissioner of administration thirty days prior to the obligation of said funds	$10,000,000
	Department of Revenue.	
1201-7890 For	the costs associated with the development of the masstax system, so-called	$11,200,889
	BOARD OF REGENTS.	
7100-8881 For	the purchase of scientific, technological, and other educational reference material for the libraries of the system of public higher education institutions	$11,225,000

SECTION 2B.

Item		
	EXECUTIVE OFFICE OF HUMAN SERVICES.	
	Department of Correction.	

Item

4349-7884 For the purchase of modular units which the department of correction currently leases, and for the purchase of modular buildings for the Worcester County Jail and House of Correction and for Bridgewater State Hospital, provided that such purchases shall be made pursuant to the provisions of section ten of this act $43,500,000

SECTION 2C.

Item

SECRETARY OF THE COMMONWEALTH.

Massachusetts Historical Commission.

0526-7881 For a grant program for the preservation and maintenance of properties listed on the State Register of Historic Places $1,047,200

Miscellaneous.

1599-7882 For a reserve for the payment of certain court judgments, settlements and legal fees in certain actions pertaining to the taking of land, filed with the house and senate committees on ways and means, which were ordered to be paid in fiscal year nineteen hundred and eighty-eight or a prior fiscal year and which derive from causes of action initiated in said fiscal year or a prior fiscal year; provided that the comptroller is hereby authorized to charge such payments to this item $6,184,955

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2120-6882 For the preparation of studies and designs, if necessary, and for the general repairs and renovations to the Woods Hole Dock $195,000

2320-9880 For the acquisition of Cheshire Lake, and land adjacent thereto, and for the design and construction of a public access boat launching ramp, access road and parking area in the town of Cheshire $100,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Item

Department of Correction.

4311-7885 For the study, preparation of plans and construction of farm buildings at the Southeastern Correctional Center, including the cost of furnishings and equipment and related site work; provided, that all such funds are expended pursuant to the authorizations contained in the provisions of item 4311-0100 of section two of chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-four, as amended by section six of chapter fifty-four of the acts of nineteen hundred and eighty-five; provided further, that the funds herein authorized shall be available for expenditure until June thirtieth, nineteen hundred and ninety-three $1,280,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Division of State Police.

8312-7892 For a study and preparation of plans, if necessary, and construction of a State Police Barracks, including site preparation and the cost of furnishings and equipment, in the city of Quincy; provided, however, that the construction of said state police barracks authorized for herein shall not affect the current jurisdiction of the metropolitan district commission police $3,000,000

SECTION 3. The deputy commissioner of the division of capital planning and operations may establish a management group to be assigned to expedite the planning, design, and construction of capital facility projects for the board of regents of higher education funded by this act. The deputy commissioner may, in a schedule approved annually by the secretary for administration and finance, temporarily hire additional employees or consultants and assign any employee of the division to the special management group as may be required for the supervision of said projects; provided, however, that the salaries and administrative expenses of the special management group shall be paid from funds made available by this act as a part of the cost of the development and construction of said projects.

SECTION 4. Notwithstanding the provisions of section forty B of chapter seven of the General Laws to the contrary, the deputy commissioner of the division of capital planning and operations shall have the control and supervision of all building projects authorized by this act the estimated cost of which exceed seventy-five thousand dollars and that involve structural or mechanical work, provided, however, that the deputy commissioner may, upon request of a state agency or building authority, delegate control and supervision of a building project to a state agency or building authority, to the extent that such project is estimated to cost less than one hundred and fifty thousand dollars, if the deputy commissioner determines that the agency has the ability to competently and efficiently manage such project. Except as provided in the previous sentence, state agencies and building authorities shall have control and supervision of projects funded by this act involving renovation

and maintenance of their buildings, structures or utilities, to the extent that the estimated cost of a project is less than seventy-five thousand dollars, or the project does not involve structural or mechanical work.

SECTION 5. Any premium or accrued interest from the sale of bonds and notes payable from the several funds shall be applied respectively without appropriation to the payment of maturities and interest on said bonds and notes; provided, however, that assessment made under any bond or note authorization payable from the General Fund, wherein it is provided that said assessments shall be credited to the General Fund, shall, beginning July first, nineteen hundred and eighty-eight, be credited to the General Fund debt service account; and provided, further, that any other receipts, disposition of which is not provided in the bond or note authorization, shall be credited to the respective fund debt service account.

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 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 notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-eight. 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 7. To meet the expenditures necessary to carry out the provisions of section two 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 thirty-four million seven hundred fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Higher Education Facility Loan, Act of 1988, 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 eighteen. 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 8. For the purpose of item 7411-7894 of section two of this act, the following words, unless the context clearly indicates otherwise, shall have the following meanings:

"Modular building", a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities, or any portable structure with walls, a floor, and a roof, designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation.

"Procurement", buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

The deputy commissioner of capital planning and operations is hereby authorized to procure modular buildings to serve as an outpatient medical care facility at the University of Massachusetts Medical Center, using the procurement procedures set forth below.

The provisions of sections forty-four A and forty-four B, and sections forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to contracts for modular buildings procured pursuant to this item. The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws shall not apply to the design of a modular building procured pursuant to this item.

The provisions of sections twenty-six to forty-nine of chapter one hundred and forty-nine of the General Laws shall not apply to the fabrication of modular buildings procured pursuant to the preceding authorization, but shall apply to site work, including but not limited to construction of foundations, installations and attachments to external facilities.

Every proposal shall be accompanied by either (1) a copy of a certificate of eligibility issued by the deputy commissioner as described in section forty-four D of said chapter one hundred and forty-nine for the fabrication of modular buildings, together with an update statement, or (2) a prequalification statement containing such information as the deputy commissioner shall prescribe. If the deputy commissioner determines that any offeror is not responsible or eligible, the deputy commissioner shall reject such offeror in writing.

A contract for modular buildings awarded pursuant to this section which is for an amount or estimated amount greater than one hundred thousand dollars shall be deemed a contract subject to the provisions of section thirty-nine R of chapter thirty of the General Laws, and a contractor awarded such contract shall be deemed a contractor subject to the provisions of said section thirty-nine R. The deputy commissioner shall procure modular buildings as authorized by this item utilizing competitively sealed proposals.

The deputy commissioner may procure site work, including but not limited to construction of foundations, installations, and attachment to external facilities, or any portion of site work, either (a) in combination with the procurement of modular buildings, by using the competitive proposal process or (b) separately, by using the procedures of section thirty-nine M of chapter thirty of the General Laws or the procedures of sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws.

To procure modular buildings, the deputy commissioner shall solicit proposals through a request for proposals. The request for proposals shall include:

(1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the commonwealth;

(2) the purchase description and all evaluation criteria that will be utilized; and

(3) all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain such documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The deputy commissioner shall make copies of the request for proposals available to all persons on an equal basis. Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the state secretary, and in such other newspapers and trade periodicals as the deputy com-

missioner customarily utilizes for the advertisement of construction contracts.

The deputy commissioner shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provision of section seven of chapter four of the General Laws, until the completion of the evaluation, or until the time of acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of the proposals, the deputy commissioner shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The deputy commissioner may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The deputy commissioner shall designate the individual or individuals responsible for the evaluation of the proposals. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. The evaluation criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing:

(1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for the rating;

(2) a composite rating for each proposal, and the reasons for the rating; and

(3) recommendations for revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The deputy commissioner shall unconditionally accept a proposal except as provided by this and the following paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the commonwealth. The deputy commissioner shall waive minor informalities or allow the offeror to correct them. If a mistake in the intended offer is clearly evident on the face of the document, the deputy commissioner shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The deputy commissioner may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

Taking into consideration price and the evaluation of criteria set forth in the request for proposals the deputy commissioner shall determine the most advantageous proposal from a responsible, responsive and eligible offeror.

The deputy commissioner shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The deputy commissioner may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract.

If the deputy commissioner awards the contract to an offeror who did not submit the lowest price, the deputy commissioner shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the commonwealth's actual needs or that the anticipated performance of the selected offeror justifies the additional cost. Prior to execution of a contract for modular buildings pursuant to this

item, the selected offeror shall furnish to the deputy commissioner a performance bond satisfactory to the deputy commissioner in the sum of fifty per cent of the contract price.

SECTION 9. Notwithstanding the provisions of subsection (d) of section thirty-eight H of chapter seven of the General Laws to the contrary, a designer or programmer appointed to do a feasibility study, master plan or program for a repair project funded by this act, for any such project of the Board of Regents contained in chapter two hundred and six of the acts of nineteen hundred and eighty-six, chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, and the general appropriation bill for fiscal year nineteen hundred and eighty-nine shall be eligible to perform the design services for that project; provided that such project is limited to identifying and correcting existing deficiencies in a portion of a building or its equipment; and provided, further, that the designer's fee for the combined study and design of repairs is not greater than fifty thousand dollars.

SECTION 10. The executive office of transportation and construction is hereby authorized to expend an amount not to exceed sixty-two million dollars for payments for certain projects for the construction, reconstruction and improvement of town and county ways that are eligible to be funded under subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws and as authorized in clause (c) of section thirteen of chapter sixty-four A of the General Laws; provided, however, that the portion of said amount to be made available to any city or town shall not exceed the amount certified by the comptroller to be available to said city or town, as of June thirtieth, nineteen hundred and eighty-eight, from funds previously appropriated for such projects under subdivision (a) of clause (2) of said section thirty-four and as authorized in clause (c) of said section thirteen.

SECTION 11. To meet the expenditures necessary in carrying out the provisions of section ten 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 sixty-two million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Town and County Ways Improvement Loan, Act of 1988, 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, in the year two thousand and eighteen. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

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 ten 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 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-eight. Notes and interest thereon issued under the authority of this section, not-

withstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 13. Notwithstanding the provisions of section thirteen of chapter sixty-four A of the General Laws or any other general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, that portion of revenues received pursuant to section four of chapter sixty-four A of the General Laws which would, pursuant to clause (c) of section thirteen of chapter sixty-four A of the General Laws, be used solely for projects for the construction, reconstruction, and improvement, including surface treatments, so-called, of town and county ways under subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws, shall not be dedicated to such use and shall be deposited in the Highway Fund and may be used for any lawful purposes of said Fund.

SECTION 14. The division of capital planning and operations is hereby authorized to expend funds appropriated in item 4349-7884 of section two B of this act for the purchase of modular units which the department of correction currently leases, and for the purchase of modular buildings for the Worcester county jail and house of correction and for Bridgewater state hospital. The deputy commissioner of capital planning and operations or his designee may purchase modular units currently leased without further competition. Modular units for the Worcester county jail and house of correction and Bridgewater state hospital shall be purchased in accordance with the following procedures.

As used in this item, the following words, unless the context clearly indicates otherwise, shall have the following meanings:

"Modular building", a pre-designed building or units of a pre-designed building constructed and equipped with internal plumbing, electrical and/or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities, or any portable structure with walls, a floor, and a roof, designed or used for the shelter of persons or property, transportable in one or more sections affixed to a foundation and attached to external utilities.

"Procurement", buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

The deputy commissioner of capital planning and operations is hereby authorized to procure modular buildings for the Worcester County Jail and House of Correction and Bridgewater State Hospital using the procurement procedures set forth below.

The provisions of section forty-four A, forty-four B, and sections forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to contracts for modular buildings procured pursuant to this item. The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws shall not apply to the design of a modular building procured pursuant to this item. The procurement of modular buildings in accordance with the procedures specified in this item shall not be considered an alternative mode of procurement of construction and shall not be subject to any review or approval that is not required for sequential construction.

The provisions of sections twenty-five through forty-seven of chapter one hundred and forty-nine shall not apply to the fabrication of modular buildings procured pursuant to the preceding authorization, but shall apply to site work, including but not limited to construction of foundations, installations and attachments to external utilities.

Every proposal shall be accompanied by either (1) a copy of a certificate of eligibility issued by the deputy commissioner as

described in section forty-four D of said chapter one hundred and forty-nine for the fabrication of modular buildings, together with an update statement, or (2) a prequalification statement containing such information as the deputy commissioner shall prescribe. If the deputy commissioner determines that any offeror is not responsible or eligible, the deputy commissioner shall reject such offeror in writing.

A contract for modular buildings awarded pursuant to this item which is for an amount or estimated amount greater than one hundred thousand dollars shall be deemed a contract subject to the provisions of section thirty-nine R of chapter thirty of the General Laws, and a contractor awarded such contract shall be deemed a contractor subject to the provisions of said section thirty-nine R. The deputy commissioner shall procure modular buildings as authorized by this item utilizing competitive sealed proposals.

The deputy commissioner may procure site work, including but not limited to, construction of foundations, installations, and attachment to external facilities, or any portion of site work, either (a) in combination with the procurement of modular buildings, by using the competitive proposal process or (b) separately, by using the procedures of section thirty-nine M of chapter thirty of the General Laws or the procedures of sections forty-four A to forty-four H of chapter one hundred forty-nine of the General Laws.

To procure modular buildings, the deputy commissioner shall solicit proposals through a request for proposals. The request for proposals shall include:

(1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the commonwealth;

(2) the purchase description and all evaluation criteria that will be utilized; and

(3) all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain such documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The deputy commissioner shall make copies of the request for proposals available to all persons on an equal basis. Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the state secretary, and in such other newspapers and trade periodicals as the deputy commissioner customarily utilizes for the advertisement of construction contracts.

The deputy commissioner shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provisions of section seven of chapter four of the General Laws, until the completion of the evaluation, or until the time of acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of the proposals, the deputy commissioner shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The deputy commissioner may open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The deputy commissioner shall designate the individual or individuals responsible for the evaluation of the proposals. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. The

evaluation criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing:

(1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for the rating;

(2) a composite rating for each proposal, and the reasons for the rating; and

(3) recommendations for revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The deputy commissioner shall unconditionally accept a proposal except as provided by this and the following paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the commonwealth. The deputy commissioner shall waive minor informalities or allow the offeror to correct them. If a mistake in the intended offer is clearly evident on the face of the document, the deputy commissioner shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The deputy commissioner may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

Taking into consideration price and the evaluation criteria set forth in the request for proposals the deputy commissioner shall determine the most advantageous proposal from a responsible, responsive and eligible offeror.

The deputy commissioner shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The deputy commissioner may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract.

If the deputy commissioner awards the contract to an offeror who did not submit the lowest price, the deputy commissioner shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the commonwealth's actual needs or that the anticipated performance of the selected offeror justifies the additional cost. Prior to execution of a contract for modular buildings pursuant to this item, the selected offeror shall furnish to the deputy commissioner a performance bond satisfactory to the deputy commissioner in the sum of fifty per cent of the contract price. When modular buildings procured in accordance with the provisions of this item become surplus property, the deputy commissioner may utilize the laws and rules governing the transfer, disposition, or demolition of real property. The decision to treat surplus modular buildings as surplus equipment or surplus real property rests in the discretion of the deputy commissioner.

SECTION 14A. For the purpose of establishing a campus based building maintenance endowment program, the board of regents of higher education is hereby authorized and directed to convene a task force consisting of the chancellor of the board of regents, the secretary of administration and finance, the director of the division of capital planning and operations, or designees of the above listed; a representative of a state university, a representative of a state college, a representative of a community college, two directors of physical plant from the state public higher education system, a representative of

the private sector who is knowledgeable about building maintenance, two members of the house of representatives, one of whom shall be a member of the house committee on ways and means; and two members of the senate, one of whom shall be a member of the senate committee on ways and means. Staff assistance to said task force shall be provided by the board of regents and the division of capital planning and operations.

Said task force shall develop a plan for a campus based building maintenance endowment program to provide, through the expenditure only of interest earned through a maintenance account, for the costs of reasonable deferred maintenance and ongoing maintenance of buildings. Said maintenance shall include but not be limited to routine maintenance, repair and replacement of mechanical and electrical systems, structural maintenance, and replacement and shall insure that all newly constructed buildings are maintained so as to remain in so called "as build" condition. No funds from the building maintenance endowment program may be used for construction of new facilities or the expansion of existing facilities. Said plan shall include rules and regulations for the operation of a maintenance endowment program at a college or university campus and shall further detail a method of funding said maintenance accounts, said task force having considered among other sources a system of tuition retention. Said plan shall be campus based and managed and shall include a reasonable reporting and oversight system. Said plan shall be submitted to the house and senate committees on ways and means and to the clerks of the house and the senate by December thirty-first, nineteen hundred and eighty-eight and shall be deemed approved by said committees after sixty days unless rejected or amended. Said plan shall take effect July first, nineteen hundred and eighty-nine.

Upon approval of said program by the house and senate committees on ways and means, the board of trustees of any college or university campus may by a majority vote adopt said building maintenance endowment program and shall implement said program subject to the availability of funding.

SECTION 15. 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 A to two C, inclusive, of this act and section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six and section thirty-seven of chapter fifteen of the acts of nineteen hundred and eighty-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-eight.

SECTION 16. To meet the expenditures necessary in carrying out the provisions of section two A of this act, 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 seventeen million four hundred twenty-five thousand eight hundred eighty-nine dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Capital Outlay Equipment and Municipal Assistance Loan, Act of 1988, 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 three.

Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth, and shall be payable from the General Fund.

SECTION 17. To meet the expenditures necessary in carrying out the provisions of section two B of this act and section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six and section thirty-seven of chapter fifteen of the acts of nineteen hundred and eighty-eight, 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 one hundred thirty-nine million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Capital Repair and Construction Loan, Act of 1988, 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 eight.

Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth, and shall be payable from the General Fund.

SECTION 18. To meet the expenditures necessary in carrying out the provisions of section two C of this act 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 eleven million eight hundred seven thousand one hundred fifty-five dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Supplemental Capital Outlay Loan, Act of 1988, 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 eighteen.

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, and shall be payable from the General Fund.

SECTION 19. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven of this act, providing for certain projects for the construction, reconstruction, and improvement of town and county ways, 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 eighteen, as recommended by the governor in a message to the general court dated June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article II of the Amendments to the Constitution of the Commonwealth.

SECTION 20. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twelve of this act, providing for certain projects for the construction, reconstruction, and improvement of town and county ways, shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-

eight, as recommended by the governor in a message to the general court dated June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 21. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under section fifteen of this act, providing for various capital improvements 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-eight, as recommended by the governor in a message to the general court dated June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 22. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section sixteen of this act, providing for purchases of capital equipment and for municipal assistance, shall be issued for terms not to exceed five years, provided, however, that all such bonds shall be payable by June thirtieth, two thousand and three, as recommended by the governor in a message to the general court dated June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 23. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section seventeen of this act, providing for capital repairs and the purchase of modular correctional facilities, shall be issued for terms not to exceed ten years, provided, however, that all such bonds shall be payable by June thirtieth, two thousand and eight, as recommended by the governor in a message to the general court dated June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 24. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eighteen of this act, providing for construction of capital facilities, 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 eighteen, as recommended by the governor in a message to the general court dated June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 25. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under the provisions of section five of chapter one hundred and five of the acts of nineteen hundred and eighty-eight, providing for the payment of a certain judgment, 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 June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 26. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under the provisions of section six of said chapter one hundred and five of the acts of nineteen hundred and eighty-eight, providing for the payment of a certain judgment, 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 twelve, as recommended by the governor in a message to the general court dated June twenty-eighth, nineteen hundred and eighty-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 27. The executive office of environmental affairs is hereby authorized to expend an amount not to exceed seventeen million dollars from the Environmental Challenge Fund, established pursuant to section two J of chapter twenty-nine of the General Laws, for the purpose of carrying out the actions authorized by sections three A and four of chapter twenty-one E of the General Laws. Funds authorized herein shall be in addition to funds previously authorized for said purposes. The secretary of environmental affairs 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.

SECTION 28. To meet the expenditures necessary in carrying out the provisions of section twenty-seven 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 seventeen million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Environmental Challenge Loan, Act of 1988, 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, in the year two thousand and eighteen. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth. The proceeds from said borrowing shall be deposited in the Environmental Challenge Fund established pursuant to section two J of chapter twenty-nine of the General Laws.

SECTION 29. Notwithstanding any general or special law to the contrary, as of June thirtieth, nineteen hundred and eighty-eight, the comptroller shall transfer from the fund established pursuant to section two J of chapter twenty-nine of the General Laws to the General Fund the amount of seventeen million dollars.

SECTION 30. Notwithstanding the provisions of any general or special law to the contrary, and subject to the conditions in section thirty-one, all payments to be made to the commonwealth by the Massachusetts Port Authority pursuant to section six of chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six, on account of the port properties, so called, are hereby deemed to have been made in full, and the Massachusetts Port Authority shall have no further liability to make any payments to the commonwealth regarding said port properties.

SECTION 31. The provisions of sections forty-nine A and forty-nine B shall take effect upon occurrence of both (i) the

enactment of this section sixty-four and (ii) the receipt by the commonwealth from the Massachusetts Port Authority of a payment in the amount of five million dollars on account of said provisions, which payment the Massachusetts Port Authority shall deliver to the commonwealth no later than five business days after the enactment of this section; provided that any such payment to the commonwealth shall be credited to the General Fund.

SECTION 32. The sum of one hundred and seventy-one thousand seven hundred and forty dollars is hereby appropriated to fulfill a pre-existing obligation of Bridgewater State College to the town of Bridgewater under an agreement dated May twenty-ninth, nineteen hundred and sixty-five; provided, however, that this appropriation shall be charged to the Local Aid Fund.

SECTION 33. The deputy commissioner of the division of capital planning and operations is hereby authorized, upon approval of the Mass College of Art Citizen Advisory Committee appointed in July of nineteen hundred and eighty-seven, and 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, or to lease for a term of up to ninety-nine years, all or partial interest in two parcels of land together with all buildings thereon, located in the City of Boston, and now or formerly under the control of the Board of Regents, namely the "Longwood" parcel.
The parcel is described as follows:

Longwood Parcel.

A parcel of land containing approximately 2.7 acres, beginning at a point at the intersection of the northeasterly line of Longwood Avenue with the northwesterly line at Binney Street; thence northwesterly along said line of Longwood Avenue, 327.79 feet to a point on the southeasterly line of Brookline Avenue; thence northeasterly along said line of Brookline Avenue, 295.49 feet to a concrete bound at land now or formerly of the Beth Israel Hospital Association; thence, southeasterly by last named land 329.53 feet to a point on the northwesterly line of Binney Street; thence southwesterly alone said line of Binney Street, 306.00 feet to the point of beginning.

SECTION 34. The disposition of the Longwood Parcel shall be for economic development, or others purposes approved by the Mass. College of Art community advisory committee which are compatible with the surrounding land uses, as determined by the deputy commissioner, upon approval of the Mass. College of Art Community Advisory Committee and pursuant to such further terms and conditions as said deputy may prescribe in consultation with Mass. College of Art Community Advisory Committee as convened by said deputy commissioner; provided, that Mass. College of Art may continue to occupy the parcel on a temporary basis, in an existing or new facility to be provided and maintained by the individual or entity selected pursuant to sections forty E to forty J inclusive of chapter seven of the General Laws, which occupancy alternative shall be specified in a development plan to be submitted to the division of capital planning and operation and the Massachusetts College of Art community advisory committee.

The conveyance and disposition process approved by the Massachusetts College of Art Community advisory committee shall include the establishment and funding of the Mission Hill/Fenway Neighborhood Trust. The Mission Hill/Fenway Neighborhood

Trust shall be funded with an initial payment equal to the established linkage formula of the City of Boston Housing Trust Fund lump sum payment. The Neighborhood Trust shall be funded on an annual basis for the next twenty calendar years to be equal in total sum to the initial payment plus interest.

The Mission Hill/Fenway Neighborhood Trust shall be established in accordance with chapter one hundred and eighty of the Massachusetts General Laws. The board shall consist of an equal number of representatives of the Mission Hill and Fenway neighborhood residents. The trust shall administer and operate a fund which will give grants or loans to community based Mission Hill and Fenway nonprofit organization, community development corporation and groups which enhance the quality of life through affordable housing, youth program, elderly programs, social services and whatever the Mission Hill/Fenway Neighborhood Trust deems appropriate.

Conveyance of said Longwood parcel shall be completed only after the aforementioned conditions have been met.

SECTION 35. Notwithstanding the provisions of item 7410-7890 in section two of this act, a total of five million seven hundred thousand dollars of the amount appropriated in said line item shall be made available to the Massachusetts College of Art for a study, to be completed within eighteen months of the effective date of this act, testing, design, and review for the construction of student dormitories with a minimum of three hundred and fifty bed capacity, student union building, and parking facility to be sited on a presently controlled Massachusetts College of Art parcel located on Huntington avenue in the city of Boston.

SECTION 36. Section thirty-eight of chapter fifteen of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 37. Item 1102-8801 of section 2 of chapter 798 of the acts of 1979 is hereby amended by striking out the wording and inserting in place thereof the following wording:- For the maintenance and repair of state-owned property to prevent deterioration or costly future repairs, as authorized and allocated by the deputy commissioner of the division of capital planning and operations pursuant to schedules submitted to the house and senate committees on ways and means.

SECTION 38. Item 1102-9802 of said section 2 of said chapter 798 is hereby amended by striking out the wording and inserting in place thereof the following wording:- To provide for a program of special repairs and improvements and certain contingencies of the various properties of the commonwealth said amounts based on schedules submitted to the house and senate committees on ways and means.

SECTION 39. Item 1102-8819 of section 2 of chapter 578 of the acts of 1980, as amended by chapter 147 of the acts of 1981, is hereby further amended by striking out the wording and inserting in place thereof the following wording:- To provide for a program of special repairs and improvements and certain contingencies of the various properties of the commonwealth said amounts based on schedules submitted to the house and senate committees on ways and means, including the transfer from the sum appropriated to other items of appropriation for construction of properties of the commonwealth.

SECTION 40. Item 7070-8811 of said section 2 of said chapter 578 is hereby amended by striking out the wording and inserting in place thereof the following wording:- To provide for a program of special repairs and improvements and certain

contingencies of the various institutions of public higher education in the commonwealth said amounts based on schedules submitted to the house and senate committees on ways and means.

SECTION 41. The third paragraph of section 5 of chapter 347 of the acts of 1982 is hereby amended by striking out, in lines 4 and 5, the words "eight million four" and inserting in place thereof the words:– twenty million five.

SECTION 41A. Section 8 of said chapter 347 is hereby amended by striking out, in line 6, the words "fifty million" and inserting in place thereof the words:– sixty-two million one hundred thousand.

SECTION 42. Item 7516-8843 of section 2B of chapter 723 of the acts of 1983 is hereby amended by striking out the wording, as amended by section 34 of chapter 303 of the acts of 1987, and inserting in place thereof the following wording:–

For the preparation of a long-range master plan and for studies, design, and construction to develop a multi-campus community college, including but not limited to specific site developments and specific building studies, including new facilities, as well as the restoration and renovation of existing facilities and temporary leasing of appropriate other facilities to accommodate the master plan and for phase one construction and renovations and repairs, including the cost of furnishings and equipment, data processing equipment, and moving expenses and *leasing costs not in excess of one complete fiscal year* and such portion of a prior fiscal year as developments may indicate and for the purchase of land and land with buildings thereon; provided however, that the deputy commissioner of the division of capital planning and operations, acting on behalf of the commonwealth and with the approval of the Board of Regents of Higher Education, is hereby authorized to acquire such property by purchase or by eminent domain under the provisions of chapter seventy-nine of the General Laws for the use of Middlesex Community College; provided, however, that no payment shall be made for the purchase of said properties until *independent appraisals* of the value of the properties has been made by qualified, disinterested appraisers.

SECTION 43. Item 7511-8841 of said section 2B of said chapter 723 is hereby amended by striking out, in lines 2 to 4, inclusive, the words "to include but not limited to general and all purpose classrooms, library, gym, administrative and high technology areas".

SECTION 44. Section 10A of said chapter 723 is hereby amended by striking out, in line 4, the words "eleven million" and inserting in place thereof the words:– twenty million five hundred thousand,– and by striking out, in line 9, *the words "shall* not exceed eight million four", and inserting in place thereof the words:– twenty million five.

SECTION 45. The fourth paragraph of section 1 of chapter 786 of the acts of 1985 is hereby amended by striking out, in line 9, the word, "eighty-eight" and inserting in place thereof the word:– eighty-nine.

SECTION 46. *Section 1A of said chapter 206 is hereby amended* by striking out, in line 4, the word "two C" and inserting in place thereof the word:– two B.

SECTION 47. Section 2B of said chapter 206 is hereby amended by striking out the introductory paragraph and inserting in

place thereof the following paragraph:-

All appropriations made in this section are from the General Capital Projects Fund and shall be so recorded on the books of the commonwealth.

SECTION 48. Section 1 of said chapter 206 is hereby amended by striking out, in line 3, the words ", two A and two B" and inserting in place thereof the words:- and two A.

SECTION 49. Said section 1 of said chapter 206 is hereby further amended by striking out, in line 4, the word "two B".

SECTION 49A. Section 8 of chapter 349 of the acts of 1986 is hereby amended by striking out, in line 2, the word "fifteen" and inserting in its place the word:- twenty.

SECTION 49B. Section 9 of said chapter 349 is hereby amended by striking out, in line 6, the word "fifteen" and inserting in its place the word:- twenty.

SECTION 50. Item 1101-7872 of section 2C of said chapter 206 is hereby amended by striking out the wording and inserting in place thereof the following wording:- For a reserve for the procurement of certain computer and data processing equipment, software systems, or services, as defined in 801 CMR 5.00, including telecommunication equipment; provided that the commissioner of administration is authorized to transfer funds herein appropriated to other state agencies for expenditures for said purposes; provided further, that expenditure of funds for the purpose of this item shall be based upon schedules submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds.

SECTION 51. Item 2120-7886 of section 2B of chapter 199 of the acts of 1987 is hereby amended by adding the following three sentences:- A portion of the funds provided herein, subject to the prior approval of the secretary of administration and finance, may be used for associated costs. Such associated costs may include the cost of legal services, appraisals, design, engineering inspections, audits and planning. No funds shall be used for the payment of any salaries of permanent or temporary employees of the commonwealth.

SECTION 52. Item 2120-7880 of section 2D of said chapter 199 is hereby amended by adding the following three sentences:- A portion of the funds provided herein, subject to the prior approval of the secretary of administration and finance, may be used for associated costs. Such associated costs may include the cost of legal services, appraisals, design, engineering, inspections, audits and planning. No funds shall be used for the payment of any salaries of permanent or temporary employees of the commonwealth.

SECTION 53. Item 1102-7882 of section 2B of chapter 199 of the acts of 1987 is hereby amended by striking out the wording and inserting in place thereof the following wording:- For studies and for the removal and retrofilling of toxic substances in certain electrical equipment of the commonwealth; and for the replacement with appropriate and efficient

equipment; and for related costs of clean-up of contamination resulting from leaks of toxic substances in said electrical equipment; 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.

SECTION 54. Item 1102-7873 of section 2B of chapter 206 of the acts of 1986 is hereby amended by striking out the wording and inserting in place thereof the following:- For studies and for the removal and retrofilling of toxic substances in certain electrical equipment of the commonwealth; for the replacement with appropriate and efficient equipment; and for clean-up of contamination resulting from leaks of toxic substances in said electrical equipment; to be in addition to the amount appropriated in item 1102-7844 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three.

SECTION 55. Chapter 584 of the acts of 1987 is hereby amended by striking sections 21 and 22 and inserting in place thereof the following two sections:-

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 and loans 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 and loans 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 grants and 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 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 56. Said chapter 584 is hereby further amended by striking out section 24 and inserting in place thereof the following section:-

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 57. Chapter 15 of the acts of 1988 is hereby amended by striking section 8 and inserting in place thereof the following section:-

Section 8. Any amounts made available by sections one and three of this act or heretofore made available by sections fifteen and seventeen of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one, section one of

chapter three hundred and thirty-five of the acts of nineteen hundred and eighty-two, sections one and three of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, and sections one and three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five, shall be available for expenditure until June thirtieth, nineteen hundred and ninety-three.

SECTION 58. This act shall take effect as of June thirtieth, nineteen hundred and eighty-eight. Sections forty-six to forty-nine, inclusive, of this act shall take effect as of July first, nineteen hundred and eighty-six.

Approved July 26, 1988.

Chapter 209. AN ACT RELATIVE TO THE ADMINISTRATION AND ENFORCEMENT OF CERTAIN STATE TAXES.

Be it enacted, etc., as follows:

Chapter 14 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. For the purposes of collecting certain taxes, the commissioner is authorized to enter into agreements with one or more private persons, companies, associations or corporations doing business in the commonwealth to provide collection services within and outside the commonwealth with respect to unpaid taxes. No such agreement shall be entered into unless proposals for the same have been invited by public notice published in at least one newspaper once a week for at least two consecutive weeks and the last publication to be at least one week prior to the time specified for the opening of said proposals. All such proposals shall be opened in public. The commissioner may reject any or all of such proposals. The commissioner shall not assign the account of any taxpayer to a private collection agency until such taxpayer has been sent a notice at least thirty days prior thereto, of the intention of the commissioner to so assign the collection of such unpaid taxes of such taxpayer. Any such agreement may provide, in the discretion of the commissioner, the manner in which the compensation for such services will be paid. Under standards established by the commissioner, such compensation shall be added to the amount of the tax and collected as a part thereof by the contractor; deducted and retained by the contractor from the amount of tax collected; or paid by the commonwealth from the amount of tax collected without further appropriation therefor.

The commissioner shall, as part of his annual report under section six list all private persons, companies, associations or corporations with whom the commissioner has agreements for collection services during the fiscal year and the amount of taxes collected by and the compensation paid to each such person, company, association or corporation.

Approved July 26, 1988.

EMERGENCY LETTER: July 26, 1988 @ 4:10 P.M.

Chapter 210. AN ACT AUTHORIZING THE PROCUREMENT OF MODULAR BUILDINGS BY PUBLIC AGENCIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately exempt cities and towns from certain bidding procedures, 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 legislature finds that the public policy of the commonwealth to construct permanent buildings and facilities for the safe use and enjoyment of its citizens. It is also the policy of the commonwealth to pay prevailing wages of employees engaged in the construction of its public buildings, works and facilities and to insure that public buildings are constructed in conformity with state and local building codes and licensing laws. This legislation is designed to expeditiously meet temporary public needs but is not intended to modify the public policies described in the preceding sentences.

SECTION 1A. No modular building shall be constructed, purchased or otherwise procured by any awarding authority unless it is built in conformity with applicable Massachusetts state and local building codes and regulations.

SECTION 1B. Subsection (e) of section 38C of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- A contract for the fabrication or installation of modular buildings procured in accordance with the provisions of section forty-four E of chapter one hundred and forty-nine shall be exempt from the jurisdiction of the board.

SECTION 2. Section 38K of said chapter 7, as so appearing, is hereby amended by adding the following subsection:-

(d) Notwithstanding the provisions of subsection (a), a city, town, or agency, board, commission, authority or instrumentality thereof may procure modular buildings in accordance with section forty-four E of chapter one hundred and forty-nine.

SECTION 3. Subsection (1) of section 44A of chapter 149 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two definitions:-

"Modular Building", a pre-designed building or units of a pre-designed building assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation and connected to external utilities.

"Procurement", buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

SECTION 4. Said subsection (1) of said section 44A of said chapter 149, as so appearing, is hereby further amended by inserting after the

word "bidders", in line 17, the following words:- or offerors.

SECTION 5. Subsection (2) of said section 44A of said chapter 149, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of the preceding paragraph, a public agency may undertake the procurement of modular buildings, in accordance with the provisions of section forty-four E. A public agency may procure site work for modular buildings, including but not limited to, construction of foundations, installations, and attachment to external utilities, or any portion of site work, either in combination with the procurement of modular buildings pursuant to section forty-four E or on the basis of competitive bids pursuant to the foregoing paragraph.

SECTION 6. Subsection (4) of said section 44A of said chapter 149, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

In cases of extreme emergency, the awarding authority may, with the prior approval of the deputy commissioner, award a contract for that portion of the work necessary to preserve the health or safety of persons or property on the basis of such competitive bids or proposals as it can obtain in time to care for the extreme emergency and without public opening of the bids or proposals.

SECTION 7. Subsection (1) of section 44D of chapter 149, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Every bid or offer submitted for a contract subject to section forty-four A shall be accompanied by a copy of a certificate of eligibility issued by the deputy commissioner showing that the bidder or offeror has the classification and capacity rating to perform the work required. The bid or offer shall also be accompanied by an update statement in such form as the deputy commissioner shall prescribe. A blank copy of such form shall be furnished by the awarding authority to every person or business entity requesting a copy. The update form shall provide space for information regarding all projects completed by the bidder or offeror since the date of certification of eligibility, all projects which the bidder or offeror currently has under contract including the percentage of work on such projects not completed, the names and qualifications of the personnel who will have supervisory responsibility for the performance of the contract, any significant changes in the bidder's or offeror's financial position or business organization since the date of certification of eligibility, and such other relevant information as the deputy commissioner shall prescribe. Any bid or offer submitted without the appropriate certificate and update statement shall be invalid.

SECTION 8. Subsection (6) of said section 44D of said chapter 149, as so appearing, is hereby amended by adding the following paragraph:-

In determining which is the most advantageous offer, the awarding

authority shall consider the information submitted by the offerors on the update statement.

SECTION 9. Section 44E of said chapter 149, is hereby amended by adding the following subsection:-

(4) A public agency may procure modular buildings in accordance with the provisions of this section.

The provisions of sections twenty-six to twenty-seven G, inclusive, shall not apply to the manufacture of modular buildings procured pursuant to this section, but shall apply to all work ordinarily and customarily performed on modular buildings at building sites, including, but not limited to, construction of foundations, attachment to external utilities, and installation and assembly of modular unit, including any assembly performed at any site in the commonwealth other than a place of manufacture. All applicable provisions of building codes and other laws shall apply thereto.

The procurement of a modular building shall be deemed a building project for purposes of section thirty-nine A of chapter seven. The division of capital planning and operations shall exercise control and supervision of the procurement of modular buildings by state agencies to the extent provided by sections forty A and forty B of chapter seven.

An awarding authority shall not procure a modular building to replace another modular building unless it has first certified that such replacement is necessary, cost-effective over the long term, and not detrimental to the public policy and interest and has set forth, in writing, a detailed explanation of its reasons for such certification.

When an awarding authority procures modular buildings as authorized by this section the awarding authority shall solicit competitive sealed proposals through a request for proposals which shall include:

(1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, and the maximum time for proposal acceptance by the awarding authority;

(2) the purchase description and all evaluation criteria that will be utilized;

(3) all contractual terms and conditions applicable to the procurement; provided, however, that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings; and

(4) a notice that every proposal shall be accompanied by a copy of an appropriate certificate of eligibility issued by the deputy commissioner pursuant to section forty-four D, together with an update statement; (5) except where the request for proposals calls for manufacture and/or delivery to the building site, a notice that every proposal shall be accompanied by a certification that the offeror is able to furnish labor that can work in concert with all other elements of labor employed or to be employed at the site of installation.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where pro-

spective offerors may obtain such documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The awarding authority shall make copies of the request for proposals available to all persons on an equal basis.

Public notice of the request for proposals for modular buildings shall be published in accordance with the provisions of section forty-four J.

The awarding authority shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provisions of section seven of chapter four, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the awarding authority shall prepare a register of proposals. The register of proposals shall be open for public inspection. The awarding authority may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The awarding authority shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other measures that will be utilized. The evaluations shall specify in writing:

(1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for such rating;

(2) a composite rating for each proposal and the reasons for such rating; and

(3) recommendations for revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal; and (4) whether the modular buildings were manufactured within the commonwealth and whether such modular buildings were manufactured within the United States but outside the commonwealth.

The awarding authority shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interest of the awarding authority or fair competition. The awarding authority shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the

face of the document, the awarding authority shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The awarding authority may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

Taking into consideration price and the evaluation criteria set forth in the request for proposals, the awarding authority shall determine the most advantageous proposal from a responsible, responsive, and eligible offeror. In determining the most advantageous proposal, the awarding authority shall give preference, other considerations being equal, in the following order: (a) modular buildings manufactured within the commonwealth; and (b) modular buildings manufactured outside of the commonwealth but within the United States. The awarding authority may condition an award on successful negotiation of any revisions recommended in the evaluation and shall explain in writing the reasons for omitting any such revisions from the contract. The awarding authority shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement.

If the awarding authority awards the contract to an offeror who did not submit the lowest price, the awarding authority shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the awarding authority's actual needs or that the anticipated performance of the selected offeror justifies the additional cost, and shall maintain such explanation in its files for at least six years from the date of final payment under the contract.

Prior to execution of a contract pursuant to this section, the selected offeror shall furnish to the awarding authority a payment bond and a performance bond of a surety company qualified to issue bonds in the commonwealth and satisfactory to the awarding authority each in the sum of the contract price.

SECTION 10. Subsection (1) of section 44J of said chapter 149, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No public agency or authority of the commonwealth or any political subdivision thereof shall award any contract for which competitive bids are required pursuant to section forty-four A of this chapter or section thirty-nine M of chapter thirty, or for which competitive proposals are required pursuant to section forty-four E (4) of this chapter, unless a notice inviting bids or proposals therefor shall have been posted no less than one week prior to the time specified in such notice for the receipt of said bids or proposals in a conspicuous place in or near the offices of the awarding authority, and shall have remained posted until the time so specified, and unless such notice shall also have been published at least once not less than two

weeks prior to the time so specified in the central register published by the secretary of state pursuant to section twenty A of chapter nine and in a newspaper of general circulation in the locality of the proposed project.

SECTION 11. Sections one to ten, inclusive, of this act shall take effect upon their passage, and shall apply to any and all procurements of modular buildings commenced on or after July first, nineteen hundred and eighty-eight, but shall not apply to procurements of modular buildings commenced before July first, nineteen hundred and eighty-eight or to modular buildings already in use prior to the effective date of this act, or to procurements of modular buildings under the provisions of any special act in effect prior to August fifteenth, nineteen hundred and eighty-eight, except that the provisions of the fourth paragraph of subsection four of section forty-four E of chapter one hundred and forty-nine of the General Laws, inserted by section nine of this act, shall apply to all modular buildings.

Approved July 27, 1988.

Chapter 211. AN ACT PROVIDING FOR THE ALLOCATION OF PRIVATE ACTIVITY BONDS WHICH CAN BE ISSUED ANNUALLY WITHIN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide a method for allocating among the various issuers of private activity bonds the annual state ceiling on the amount of such bonds which can be issued and also qualify for exemption from taxation under the provisions of the Internal Revenue Code of the United States, as amended by Public Law 99-514, 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. As used in this act, unless the context clearly indicates otherwise, all terms shall have the meanings set forth in the Internal Revenue Code, as amended by Public Law 99-514.

SECTION 2. The total amount of the state ceiling applicable to Massachusetts for any calendar year shall be assigned to the commonwealth, acting by and through the executive office for administration and finance.

The secretary of administration, hereinafter referred to in this act as the secretary shall allocate any of such state ceiling to issuers of private activity bonds within the state, including municipalities and issuers of student loan bonds and other private activity bonds requiring allocation

at such time as he shall determine, consistent with and pursuant to the provisions of the said Internal Revenue Code. The secretary shall allocate the annual state ceiling only to those bonds as to which he has received a notice of intent to issue from the proposed issuer. All allocations by the secretary shall be made after consultation with a committee composed of the secretary of communities and development, the secretary of environmental affairs, the director of the governor's office of economic development, and the director of the governor's office of educational affairs, or their designees. The secretary may also reassign any of the annual state ceiling assigned to the commonwealth pursuant to this section to the department of community affairs or to the Massachusetts Industrial Finance Agency for further allocation or for carryforward, in accordance with such conditions as he shall specify; provided, however, that at the time of any such assignment he shall specify when and if such reassignment shall expire.

SECTION 3. Each such allocation of the annual state ceiling made by the said secretary shall be in writing, shall be made for a specific bond issue or issues, and shall specify the date on or before which the bonds must be issued in order for the allocation to be effective. No allocation in any year, except for carryforwards described in section four, shall have an expiration date later than December thirty-first of said year.

SECTION 4. The said secretary may carry forward any unused portion of the remaining annual state ceiling assigned or reassigned to the commonwealth pursuant to section two of this act for any bonds eligible for a carryforward of state ceiling under the applicable provisions of the said Internal Revenue Code. No annual state ceiling may be allocated to carryforward projects prior to November first.

SECTION 5. The said secretary, or his designee, is authorized to make all representations, file all documents and take all other actions in the name and on the behalf of the commonwealth as may be required for compliance with the provisions of the said Internal Revenue Code and to implement this act. In the event that any portion of his responsibilities are assigned to the department of community affairs or to the Massachusetts Industrial Finance Agency, appropriate provision for designations shall be made by the secretary and all designations made pursuant to this section shall be evidenced in writing.

SECTION 6. The said secretary shall make reasonably available to the public information as to the amount of state ceiling not yet allocated and the expiration dates for all state ceiling allocated by him, and shall confirm upon request an allocation of state ceiling to a particular bond issue or issues and the duration thereof.

Prior to making any allocations, the secretary shall adopt guidelines governing allocation.

Approved July 27, 1988.

Chapter 212. AN ACT GRANTING THE CITY OF BOSTON AUTHORITY TO PENALIZE THOSE WHO ABANDON MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of section twenty-two B of chapter ninety of the General Laws, the city of Boston shall be governed by the terms of this act rather than, and as an alternative to, said section twenty-two B. In the city of Boston, the following provisions shall apply:

(a) Proceedings under this section shall not be deemed criminal.

(b) For purposes of this act, "owner" shall be defined as the person or entity registered as the owner of a motor vehicle in the records of the registry of motor vehicles or the person or entity who last had custody or possession of a motor vehicle, legally or otherwise, including, without limitation; operators and/or owners of automobile graveyards or junkyards, both as defined in section one of chapter one hundred and forty B of the General Laws.

(c) There shall be in the city of Boston a parking clerk designated or appointed pursuant to chapter two hundred and sixty-three of the acts of nineteen hundred and twenty-nine, as most recently amended by section thirteen B of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two. The parking clerk, in addition to his or her other duties under this or any other chapter, shall supervise and coordinate the processing of abandoned motor vehicles in Boston. The parking clerk shall have the authority to hire such personnel or to contract by competitive bid for such services, subject to appropriation, as may be necessary to implement the provisions of this act.

(d) Notwithstanding the provisions of chapter two hundred and sixty-three of the acts of nineteen hundred and twenty-nine, as most recently amended by section thirteen A of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two, whoever abandons a motor vehicle, registered or unregistered, upon any public or private way, or upon any property other than his or her own, without the permission of the owner or lessee of said property, shall be fined two hundred and fifty dollars for the first such abandonment and five hundred dollars for each such abandonment thereafter. Further, such person shall be liable for all costs incurred by the city of Boston in removing and/or disposing of the subject motor vehicle, including but not limited to towing, storage, processing and disposal charges.

(e) It shall be the duty of every police officer or every person who the parking clerk has assigned responsibility for abandoned motor vehicles, who takes cognizance of an apparently abandoned motor vehicle, to give

the owner of said vehicle a notice which shall be in the form of a tag affixed to the vehicle. Said tag shall include, but not be limited to, the following information regarding the abandoned vehicle: the date, location, make, color and, if available, the registration number and the vehicle identification number. The tag shall also contain a phone number and/or address at which the owner may obtain information regarding the status of the motor vehicle and the hearing procedure regarding abandoned motor vehicles, as described herein. The tag shall also state that after a specified period of time, the vehicle may be towed and disposed of.

(f) After a tag has been affixed to the vehicle, if the owner's identity is ascertained and the motor vehicle is still deemed to be abandoned pursuant to section twenty-two C of chapter ninety of the General Laws, the parking clerk or his designee shall send a written notice by first class mail to the owner's or last known registered owner's address as best determined through the registrar of motor vehicles. Such notice shall be deemed sufficient, whether or not actually received by the addressee(s), if mailed to the address furnished by said registrar. The notice shall include, but not be limited to, the following information regarding the abandoned vehicle: the date, location, make, color and, if available, the registration number and the vehicle identification number; the amount of the fine and costs assessed for the offense; and the date, time and place of the hearing established by the parking clerk. This written notice shall be in a format approved by the registrar of motor vehicles. Notwithstanding the hearing scheduled by the parking clerk, the owner may obtain a hearing prior to the scheduled hearing date by appearing at the office of the parking clerk during established business hours and requesting an immediate hearing regarding the apparently abandoned motor vehicle. Furthermore, notwithstanding the hearing scheduled by the parking clerk, the owner may request that the matter be adjudicated through an ex-parte hearing process.

(g) All hearings shall be held before a person hereinafter referred to as a hearing officer, said hearing officer to be the parking clerk or such person or persons as the parking clerk may designate. Hearings shall be informal, the rules of evidence shall not apply and decisions of the hearing officer shall be final and subject to judicial review as provided by section fourteen of chapter thirty A of the General Laws. No appeal or exceptions shall operate to stay the imposition of the fine and costs, the revocation or nonrenewal of the license or the prohibition of registration as provided for herein.

(h) Any person notified to appear before the parking clerk, as provided herein, may appear before the parking clerk, or his designee, to contest or confess the alleged violation, either personally or through an agent duly authorized in writing. In the alternative, any person notified to appear before the parking clerk may confess the alleged violation by mailing to the parking clerk the notice accompanied by the fine and any costs assessed, provided such payment is made only by postal note, money order or registered check made out to the city of Boston.

(i) If the owner fails to appear at a hearing, or fails to pay the fine and costs, the parking clerk shall, in the case of a person, notify the registrar of motor vehicles who shall place the matter on record and not renew the license of such person to operate a motor vehicle, and in the case of an entity, notify the appropriate persons to revoke and/or not renew the owner's license or permit to operate a business pertaining to the towing, storing, servicing or dismantling of motor vehicles, including, without limitation, automobile graveyards and junkyards. If the motor vehicle is registered in such owner's name or was last registered in his or her name, the registrar shall prohibit the registration and/or renewal of registration of any motor vehicle under his or her name. Such notice shall be in a format approved by the registrar of motor vehicles. Upon notification to the registrar of the owner's name, an additional ten dollar charge shall be assessed against the owner of the abandoned vehicle. This ten dollar charge shall be collected by the city of Boston and notification of these collections shall be made to the registrar of motor vehicles on a monthly basis. On or before September first of each year, the registrar shall certify the total number of ten dollar charges to be assessed against the city of Boston. This number shall equal the total number of notifications of actual collections by the city. The registrar shall transmit such certified assessments to the State Treasurer who shall include such assessments in the warrants prepared in accordance with section twenty of chapter fifty-nine of the General Laws. All such actions taken by the registrar shall remain in effect until notice from the parking clerk that the matter has been disposed of in accordance with the law.

(j) Notwithstanding any other statutes, ordinances or regulations to the contrary, if the owner has abandoned a motor vehicle or vehicles on three occasions and has incurred a fine therefor, each subsequent abandonment, in addition to the fines and costs assessed herein, shall result, in the case of a person, in the revocation for one year of the owner's license to operate a motor vehicle, and in the case of an entity, in the revocation for one year of the owner's license or permit to operate a business pertaining to the towing, storing, servicing or dismantling of motor vehicles including, without limitation, automobile graveyards and junkyards. The one year time period shall run from the date on which the parking clerk's records show that a hearing was held and a fourth or subsequent abandonment was found or that a fine was received in the mail confessing a fourth or subsequent abandonment.

SECTION 2. The provisions of this act shall be deemed severable, and if any of its provisions 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.

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

Approved July 27, 1988.

Chapter 213. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY PERMANENT AND TEMPORARY EASEMENTS IN TWO CERTAIN PARCELS OF LAND IN THE TOWNS OF GROTON AND PEPPERELL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately effect the conveyance of permanent and temporary easements in two certain parcels of land owned by the commonwealth in the Towns of Groton and Pepperell by the division of capital planning and operations to Town of Groton for the purpose of laying out and constructing a sewer line, 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 40E through 40J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the Attorney General, certain permanent sewer easements or any interest, therein located in the Towns of Groton and Pepperell, to the Town of Groton subject to the requirements of sections two, three and four and to such terms and conditions as the deputy commissioner may prescribe in consultation with the department of environmental management, said property being two easements, described as Easement I and Easement II, shall be located within the boundaries of two sections of an abandoned railroad right of way, formerly known as the Hollis Branch of the Boston and Maine Railroad described as follows:

EASEMENT I: A certain easement parcel of land situated in Groton, Middlesex County, Commonwealth of Massachusetts from Broadmeadow Road to North Main Street.

Beginning at a point, said point being 37.5' from the southerly sideline of North Main Street at land now or formerly of B. Lyons and J. Cozzens, bounded and described as follows:

S12°-24'-29"W a distance of thirty-three and fifty hundredths feet (33.50') to a point; thence

S49°-05'-08"W a distance of thirty-five feet (35') to a point; thence

S04°-45'-49"W a distance of two hundred ninety-six and fifteen hundredths feet (296.15') to a point; thence

S04°-34'-26"E a distance of two hundred ninety-nine and sixty-four hundredths feet (299.64') to a point; thence

S10°-19'-15"E a distance of two hundred ninety-nine and sixty-three hundredths (299.63') to a point; thence

S13°-48'-28"E a distance of two hundred ninety-nine and forty-four hundredths feet (299.44') to a point; thence

S16°-40'-51"E a distance of two hundred ninety-nine and nine hun-

dredths feet (299.09') to a point; thence

S19°-41'-31"E a distance of three hundred two and no hundredths feet (302.00') to a point; thence

S24°-45'-56"E a distance of four hundred five and twelve hundredths feet (405.12') to a point; thence

N74°-30'-33"E a distance of twenty-four and twenty-eight hundredths feet (24.28') to a point; thence

S25°-15'-27"E a distance of twenty and twenty-nine hundredths feet (20.29') to a point; thence

S74°-30'-33"W a distance of twenty-four and twenty-eight hundredths feet (24.28') to a point; thence

S25°-53'-28"E a distance of one hundred sixty-nine and ninety-eight hundredths feet (169.98') to a point; thence

S29°-30'-29"E a distance of two hundred fifty-eight and thirty-seven hundredths feet (258.37') to a point; thence

N85°-56'-36"E a distance of twenty-seven and forty-four hundredths feet (27.44') to a point; thence

S28°-36'-27"E a distance of twenty-one and ninety-nine hundredths feet (21.99') to a point; thence

S85°-56'-36"W a distance of twenty-six and thirty-five hundredths feet (26.35') to a point; thence

S31°-45'-09"E a distance of two hundred seventy-two and ninety-two hundredths feet (272.92') to a point; thence

S34°-54'-09"E a distance of three hundred fourteen and seventeen hundredths feet (314.17') to a point; thence

S36°-27'-41"E a distance of two hundred fifty-two and twenty-three hundredths feet (252.23') to a point; thence

S36°-56'-44"E a distance of one hundred twenty-eight and thirty-six hundredths feet (128.36') to a point; thence

N10°-03'-39"E a distance of fifteen and fifty-seven hundredths feet (15.57') to a point; thence

S39°-16'-17"E a distance of twenty-six and thirty-seven hundredths feet (26.37') to a point; thence

S10°-03'-39"W a distance of sixteen and eighty-two hundredths feet (16.82') to a point; thence

S38°-59'-28"E a distance of two hundred thirty-eight and forty hundredths feet (238.40') to a point; thence

S41°-20'-52"E a distance of two hundred ninety-nine and thirty-one hundredths feet (299.31') to a point; thence

S43°-36'-10"E a distance of one hundred eighty-eight and eighty-seven hundredths feet (188.87') to a point; thence

N27°-44'-03"E a distance of thirty-three and seventy-eight hundredths feet (33.78') to a point on the sideline of Joy St.; thence

S43°-36'-10"E a distance of twenty-one and eleven hundredths feet (21.11') to a point along the sideline of Joy St.; thence

S27°-44'-03"W a distance of thirty-three and sixty-four hundredths feet (33.64') to a point; thence

S44°-35'-27"E a distance of one hundred ninety and sixty-one hun-

dredths feet (190.61') to a point; thence

S45°-24'-33"E a distance of one hundred ninety and eighty hundredths feet (190.80') to a point; thence

N63°-40'-31"E a distance of sixty-nine and eighty-eight hundredths feet (69.88') to a point; thence

S57°-17'-18"E a distance of twenty-three and thirty-two hundredths feet (23.32') to a point; thence

S63°-40'-31"W a distance of seventy-five and twenty-five hundredths feet (75.25') to a point; thence

S44°-15'-44"E a distance of one hundred fifty and ninety-six hundredths feet (150.96') to a point; thence

S45°-00'-00"E a distance of two hundred one and seventy-one hundredths feet (201.71') to a point; thence

S34°-05'-42"E a distance of one hundred forty-nine and twenty hundredths feet (149.20') to a point; thence

N63°-35'-57"E a distance of thirteen and sixty hundredths feet (13.60') to a point; thence

S30°-47'-59"E a distance of twenty and six hundredths feet (20.06') to a point; thence

S63°-35'-57"W a distance of thirteen and eighteen hundredths feet (13.18') to a point; thence

S30°-15'-23"E a distance of one hundred twenty-nine and fifty-three hundredths feet (129.53') to a point; thence

S15°-25'-20"E a distance of three hundred three and thirty-six hundredths feet (303.36') to a point; thence

S01°-25'-56"E a distance of two hundred one and twenty-nine hundredths feet (201.29') to a point; thence

S31°-16'-35"E a distance of sixty-nine and seventy-eight hundredths feet (69.78') to a point on the sideline of Broadmeadow Road; thence

S82°-51'-26"W a distance of fifty-five feet (55') to a point along the sideline of Broadmeadow Road; thence

N01°-25'-56"W a distance of two hundred sixty-four and eighty-four hundredths feet (264.84') to a point; thence

N15°-25'-20"W a distance of two hundred ninety-eight and thirty hundredths feet (298.30') to a point; thence

N30°-15'-23"W a distance of one hundred thirty-seven and twenty-nine hundredths feet (137.29') to a point; thence

N34°-05'-42"W a distance of one hundred fifty-five and sixty-nine hundredths feet (155.69') to a point; thence

N45°-00'-00"W a distance of one hundred a ninety-nine and ninety-three hundredths feet (199.93') to a point; thence

N44°-15'-44"W a distance of one hundred sixty-four and seventy-three hundredths feet (164.73') to a point; thence

N45°-24'-33"W a distance of one hundred ninety-seven and ninety-seven hundredths feet (197.97') to a point; thence

N44°-35'-27"W a distance of one hundred ninety-eight and fifteen hundredths feet (198.15') to a point; thence

N43°-36'-10"W a distance of two hundred three and twenty-eight hun-

dredths feet (203.28') to a point; thence

N41°-20'-52"W a distance of three hundred and twelve hundredths feet (300.12') to a point; thence

N38°-59'-28"W a distance of two hundred forty-three and fifty-five hundredths feet (243.55') to a point; thence

N36°-56'-44"W a distance of one hundred thirty-nine and eighty-four hundredths feet (139.84') to a point; thence

S43°-55'-06W a distance of thirty-one and seventy hundredths feet (31.70') to a point on the sideline of Pleasant Street; thence

N89°-39'-25"W a distance of twenty-seven and sixty-one hundredths feet (27.61') to a point along the sideline of Pleasant Street; thence

N43°-55'-06"E a distance of fifty-four and two hundredths feet (54.02') to a point; thence

N36°-27'-41"W a distance of two hundred forty-four and nine hundredths feet (244.09') to a point; thence

N34°-54'-09"W a distance of three hundred fifteen and no hundredths feet (315.00') to a point; thence

N31°-45'-09"W a distance of two hundred ninety and twenty-one hundredths feet (290.21') to a point; thence

N29°-30'-29"W a distance of two hundred sixty-five and fifty-one hundredths feet (265.51') to a point; thence

N25°-53'-28"W a distance of one hundred seventy-nine and seventy-seven hundredths feet (179.77') to a point; thence

N24°-45'-56"W a distance of four hundred seventeen and fifty-four hundredths feet (417.54') to a point; thence

N19°-41'-31"W a distance of three hundred three and forty-one hundredths feet (303.41') to a point; thence

N16°-40'-51"W a distance of three hundred and thirteen hundredths feet (300.13') to a point; thence

N13°-43'-28"W a distance of three hundred and fifty-six hundredths feet (300.56') to a point; thence

N10°-19'-15"W a distance of three hundred one and twenty-three hundredths feet (301.23') to a point; thence

N04°-34'-26"W a distance of three hundred two and twenty-eight hundredths feet (302.28') to a point; thence

N04°-45'-49"E a distance of three hundred five and ninety-three hundredths feet (305.93') to a point; thence

N49°-05'-08"E a distance of seventy feet (70') to the point of beginning.

The above described parcel of land contains an area of 127,600 S.F. or 2.93 acres, more or less, and is more particularly shown as Easement "A" on a plan entitled "Easement Plan of Land in Groton, Ma."; Scale 1" = 100'; dated May 13, 1988; prepared for the Town of Groton; prepared by David D. Lanata & Associates, Inc., Woburn, MA.

EASEMENT II: A certain 20' wide easement parcel of land situated in Groton and Pepperell, Middlesex County, Commonwealth of Massachusetts, from Sand Hill Road, Groton to Main Street, Pepperell.

Beginning at a point on the northerly sideline of Sand Hill Road

Groton, Ma., said point being S33°-08'-10"W a distance of one hundred eighty-seven and seventy-three hundredths feet (187.73') from a concrete bound; thence N13°-41'-02"E a distance of seven hundred ninety-six and thirty-seven hundredths feet (796.37') to a point; thence

Northerly and curving to the left along the arc of a curve having a radius of three thousand eight hundred four and no hundredths feet (3804.00'), a length of one thousand eight hundred and nineteen hundredths feet (1800.19') to a point; thence

N13°-25'-50"W a distance of four hundred forty-nine and ninety-nine hundredths feet (499.99') to a point; thence

N13°-32'-50"W a distance of one thousand one hundred eighteen and twenty hundredths feet (1118.20') to a point; thence

N13°-25'-50"W a distance of four hundred fifty and no hundredths feet (450.00') to a point; thence

Northerly and curving to the right along the arc of a curve having a radius of three thousand three hundred eighty-eight and no hundredths feet (3388.00'), a length of six hundred forty-three and thirty-two hundredths feet (643.32') to a point; thence

N01°-02'-53"E a distance of two hundred eighty-two and eighty-nine hundredths feet (282.89;) to a point; thence

N09°-41'-18"E a distance of one thousand three and sixteen hundredths feet (1003.16') to a point; thence

N10°-08'-02"E a distance of three hundred and no hundredths feet (300.00') to a point; thence

Northerly and curving to the left along the arc of a curve having a radius of two thousand three hundred twenty-two and fifty hundredths feet (2322.50'), a length of one thousand three and ninety-two hundredths feet (1003.92') to a point; thence

N14°-38'-05"W a distance of seven hundred and no hundredths feet (700.00') to a point, passing from Groton to Pepperell; thence

Northerly and curving to the right along the arc of a curve having a radius of three thousand four hundred fifty-four and no hundredths feet (3454.00'), a length of one thousand one hundred forty-three and forty-six hundredths feet (1143.46') to a point; thence

N04°-20'-00"E a distance of seven hundred ninety and thirty-one hundredths feet (790.31') to a point; thence

N06°-06'-44"E a distance of hundred ninety-four and forty-eight hundredths feet (194.48') to a point; thence

N11°-46'-09"E a distance of three hundred eighteen and twenty-nine hundredths feet (318.29') to a point; thence

N17°-12'-20"E a distance of two hundred ninety-six and ninety-one hundredths feet (296.91') to a point; thence

N22°-41'-48"E a distance of two hundred eleven and eighty-seven hundredths feet (211.87') to a point; thence

N30°-36'-26"E a distance of one hundred sixty-seven and forty-four hundredths feet (167.44') to a point; thence

N33°-31'-16"E a distance of five hundred thirty-four and eighty-one hundredths feet (534.81') to a point; thence

N35°-38'-10"E a distance of two hundred nine and thirty-six hundredths feet (209.36') to a point; thence

N41°-17'-59"E a distance of two hundred forty-five and eighty-seven hundredths feet (245.87') to a point; thence

N47°-56'-00"E a distance of two hundred twenty-five feet (225') to a point on the sideline of Groton Road; thence

S33°-04'-20"E a distance of twenty and seventeen hundredths feet (20.17') to a point on the sideline of Groton Road; thence

S47°-56'-00"W a distance of two hundred twenty feet (220') to point; thence

S41°-17'-59"W a distance of two hundred forty-four and forty-two hundredths (244.42') to a point; thence

S35°-38'-10"W a distance of two hundred eight and no hundredths feet (208.00') to a point; thence

S33°-31'-16"W a distance of five hundred thirty-three and sixteen hundredths feet (533.16') to a point; thence

S30°-36'-26"W a distance of one hundred sixty-five and ninety-six hundredths feet (165.96') to a point; thence

S22°-41'-48"W a distance of two hundred nine and ninety-nine hundredths feet (209.99') to a point; thence

S17°-12'-20"W a distance of two hundred ninety-five and twenty-two hundredths feet (295.22') to a point; thence

S11°-46'-09"W a distance of three hundred sixteen and forty-seven hundredths feet (316.47') to a point; thence

S06°-06'-44"W a distance of one hundred ninety-three and three hundredths feet (193.03') to a point; thence

S04°-20'-00"W a distance of seven hundred eighty-nine and sixty-nine hundredths feet (789.69') to a point; thence

Southerly and curving to the left along the arc of a curve having a radius of three thousand four hundred thirty-four and no hundredths feet (3434.00'), a length of one thousand one hundred thirty-six an eighty-four hundredths feet (1136.84') to a point; thence

S14°-38'-05"E a distance of seven hundred and no hundredths feet (700.00') to a point, passing from Pepperell into Groton; thence

Southerly and curving to the right along the arc of a curve having a radius of two thousand three hundred forty-two and fifty hundredths feet. (2342.50'), a length of one thousand twelve and fifty-seven hundredths feet (1012.57') to point; thence

S10°-08'-02"W a distance of three hundred and no hundredths feet (300.00') to a point; thence

S09°-41'-18"W a distance of one thousand one and seventy-five hundredths feet (1001.75') to a point; thence

S01°-02'-53"W a distance of two hundred seventy-nine and eighty-six hundredths feet (279.86') to a point; thence

Southerly and curving to the left along the arc of a curve having a radius of three thousand three hundred sixty-eight and no hundredths feet (3368.00'), a length of six hundred thirty-nine and forty-nine hundredths feet (639.49') to a point; thence

S13°-25'-50"E a distance of four hundred fifty-one and eighteen hundredths feet (451.18') to a point; thence

S13°-32'-50"E a distance of one thousand one hundred seventeen and two hundredths feet (1117.02') to a point; thence

S13°-25'-50"E a distance of four hundred fifty and one hundredths feet (450.01') to a point; thence

Southerly and curving to the right along the arc of a curve having a radius of three thousand eight hundred twenty-four and no hundredths feet (3824.00'), a length of one thousand eight hundred nine and sixty-six hundredths feet (1809.66') to a point; thence

S13°-41'-02"W a distance of seven hundred thirty-nine and seventy-four hundredths feet (739.74') to a point; thence

S33°-08'-10"W a distance of sixty and six hundredths feet (60.06') to the point of beginning.

The above described easement parcel of land contains an area of Two hundred, fifty-six thousand and eight hundred square feet (256,800 S.F.) or five and nine tenths acres (5.9 AC), more or less and is more particularly shown on a plan entitled: "Easement Plan of Land in Groton & Pepperell, MA.;" Scale: 1" = 100'; dated May 5, 1988, prepared for the Town of Groton, prepared by David D. Lanata & Associates, Inc., Woburn, MA.

The aforementioned plans delineate temporary sewer construction easements consisting of two ten-foot wide parcels of land abutting and paralleling the permanent easements, one ten-foot wide parcel situated on each side thereof, and located as aforesaid. Said temporary easements shall only exist for the duration of this sewer interception construction project. Upon receipt of an engineer's certified as-built plan by the department of environmental management and the division of capital planning and operations, said temporary construction easements for the Town of Groton will expire.

SECTION 2. No deed conveying the property described in section one or any interest therein, by or on behalf of the Commonwealth shall be valid unless such deed provides that said easements or any interest therein shall be used for the purpose of laying out, constructing and maintaining a sewer line.

SECTION 3. The town of Groton shall assume the costs of appraisals, surveys and/or other expenses as deemed necessary by the deputy commissioner for the granting of this easement.

SECTION 4. In the event that the property is not used for the purposes described in section two within three years of the effective date of this act, or if the use for the aforementioned purposes cease at any time, the easement shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

Approved July 27, 1988.

Chapter 214. AN ACT EXEMPTING THE CITY OF FITCHBURG FROM CERTAIN BIDDING PROCEDURES IN PROCURING MODULAR BUILDINGS FOR CLASSROOMS.

Be it enacted, etc., as follows:

SECTION 1. The city of Fitchburg is hereby authorized to procure, in accordance with the provisions of this act, not more than seven modular buildings for use as classrooms for the public school system of said city.

As used in this act, the term "modular buildings" shall mean a predesigned building or units of a predesigned building constructed and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such units are attached to each other and such building is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor and a roof, designed or used for the shelter of persons or property, transportable in one or more sections and affixed to a foundation.

As used in this act, the term "procurement" shall mean buying, purchasing, or otherwise acquiring and installing a modular building, and all functions that pertain to the acquisition and installation of a modular building including description of requirements, selection and solicitation of sources, preparation and award of the contract and all phases of contract administration.

The provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws and sections forty-four A, forty-four B and sections forty-four D to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to this act.

A contract awarded pursuant to this act which is for an amount or estimated amount greater than one hundred thousand dollars shall be subject to the provisions of section thirty-nine R of chapter thirty of the General Laws. The city of Fitchburg shall procure the modular buildings authorized by this act using competitive sealed proposals.

The request for proposals shall include the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the city of Fitchburg; the purchase description and all evaluation criteria that is to be utilized; and all contractual terms and conditions applicable to the procurement, provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the modular buildings.

The request for proposals may incorporate documents by reference, provided that the request for proposals specifies where prospective offerors may obtain the documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The city of Fitchburg shall make copies of the request for proposals available to all persons on an equal basis.

Every proposal shall be accompanied by either a copy of a certificate of eligibility issued by the deputy commissioner pursuant to section forty-four D of chapter one hundred and forty-nine of the General Laws for the fabrication of modular buildings, together with an update statement or a prequalification statement containing such information as the purchasing agent for the city of Fitchburg, in consultation with the deputy commissioner, shall prescribe. If the deputy commissioner determines that any offeror is not responsible or eligible, the purchasing agent shall reject such offer in writing.

Public notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the state secretary, and in such other newspaper and trade periodicals as the city of Fitchburg customarily utilizes for the advertisement of construction contracts.

The proposals shall not be opened publicly, but shall be opened in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provisions of section seven of chapter four of the General Laws, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the purchasing agent for the city of Fitchburg shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The purchasing agent may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

The purchasing agent shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable and the reasons for the rating; a composite rating for each proposal, and the reasons for the rating; and revisions, if any, to each proposed plan for providing the modular buildings which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The purchasing agent shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time set forth for the opening of

proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the city of Fitchburg or fair competition. The purchasing agent shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the purchasing agent shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The purchasing agent may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

The purchasing agent shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The purchasing agent shall award the contract by written notice to the selected offeror with in the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The purchasing agent may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract.

If the purchasing agent awards the contract to an offeror who did not submit the lowest price, the purchasing agent shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the city of Fitchburg's actual needs or that the anticipated performance of the selected offeror justifies the additional cost.

Prior to execution of the contract, the selected offeror shall furnish to the purchasing agent a performance bond satisfactory to the purchasing agent in the sum of fifty per cent of the contract price.

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

Approved July 27, 1988.

Chapter 215. AN ACT DIRECTING THE TOWN OF MARBLEHEAD RETIREMENT BOARD TO GRANT A CERTAIN PENSION TO CARL E. VARRELL.

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 town of Marblehead is hereby authorized and directed to increase the pension payable to Carl E. Varrell, a retired patrolman in the police department of the town of Marblehead, who as a result of injuries sustained by him while in the performance of his duties as a police

officer is totally and permanently incapacitated for further service as a police officer. The annual amount of pension payable said Carl E. Varrell under the provisions of 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 town, at the grade held by him at the time of his retirement. The annual pension payable to said Carl E. Varrell 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.

SECTION 2. The commonwealth shall reimburse the town of Marblehead for cost of living payments to Carl E. Varrell which would have been paid had this act not been passed.

SECTION 3. Upon the death of said Carl E. Varrell, if he dies as the natural and proximate result of the injury sustained or hazard undergone which resulted in his retirement, leaving Sheila A. Varrell, his wife, surviving him, the town of Marblehead retirement board shall pay to her, so long as she remains unmarried, a pension in the amount of seventy-two per cent of the amount of the pension payable to said Carl E. Varrell at the time of his death, plus a cost of living allowance pursuant to the terms and conditions of section one hundred and two of chapter thirty-two of the General Laws. Upon the death or remarriage of the survivor wife, Sheila A. Varrell, of said Carl E. Varrell, the town of Marblehead shall pay to the legal guardian of any surviving child of Carl E. Varrell until such child reaches age eighteen, or who is over said age and under age twenty-two and a full time student at an accredited educational institution, a pension of equal proportion to each such child which shall total in the aggregate the allowance paid to Sheila A. Varrell, so long as such child survives and is under age eighteen, or if over said age and under age twenty-two, is a full time student at an accredited educational institution.

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

Approved July 27, 1988.

Chapter 216. AN ACT PROVIDING FOR UNIFORM FUNDS AVAILABILITY REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for uniform funds availability requirements, 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 167D 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, the following terms shall have the following meanings:

"Account", any demand deposit, negotiable withdrawal order account, savings deposit, share account or other asset account.

"Banking institution", every state-chartered bank and credit union, every federally chartered bank as defined in section one, and foreign banks authorized to do business in the commonwealth; and

"Local originating depository institution", any originating depository institution located in the commonwealth.

Each banking institution shall disclose to account holders its policy relative to the time period between the deposit of funds by means of a check, negotiable order of withdrawal or money order and the availability of such deposit for withdrawal or use as of right.

Except as provided herein, such disclosure and relevant availability requirements shall be in accordance with the provisions of the Expedited Funds Availability Act, 12 USC 4001 et seq. and regulations promulgated thereunder.

SECTION 2. This act shall take effect on September first, nineteen hundred and eighty-eight.

Approved July 27, 1988.

Chapter 217. AN ACT CLARIFYING THE PRESENTMENT OF CLAIMS.

Be it enacted, etc., as follows:

Section 4 of chapter 258 of the General Laws, as amended by section 2 of chapter 343 of the acts of 1987, is hereby further amended by inserting after the first paragraph the following paragraph:-

Notwithstanding the provisions of the preceding paragraph, in the case of a city or town, presentment of a claim pursuant to this section shall be deemed sufficient if presented to any of the following: mayor, city manager, town manager, corporation counsel, city solicitor, town counsel, city clerk, town clerk, chairman of the board of selectmen, or executive secretary of the board of selectmen.

Approved July 27, 1988.

Chapter 218. AN ACT RELATIVE TO THE ASSIGNMENT OF STATE POLICE TO CERTAIN AUTHORITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 9G of chapter 22 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- Said agreement shall also provide for the applicability during the period of such service of all terms and conditions of employment established under any existing collective bargaining agreement reached pursuant to the provisions of chapter one hundred and fifty E between the commonwealth and the exclusive bargaining representative of any employee rendering such service including, without limitation, the payment by the authority of any benefit or contribution therefor.

SECTION 2. Section 9J of said chapter 22, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Said agreement shall also provide for the applicability during the period of such service of all terms and conditions of employment established under any existing collective bargaining agreement reached pursuant to the provisions of chapter one hundred and fifty E between the commonwealth and the exclusive bargaining representative of any employee rendering such service including, without limitation, the payment by the authority of any benefit or contribution therefor.

Approved July 27, 1988.

Chapter 219. AN ACT RELATIVE TO THE BOARD OF CERTIFICATION OF HEALTH OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Section 87XXX of chapter 112 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "year", in line 12, the words:- ; provided, however, that a person seeking such renewal shall provide evidence of such continuing education as the board shall require by regulation.

SECTION 2. The continuing education provisions of section eighty-seven XXX of chapter one hundred and twelve of the General Laws, inserted by section one of this act, shall apply to persons seeking renewal of certification under said section eighty-seven XXX on or after January first, nineteen hundred and ninety-one.

Approved July 27, 1988.

Chapter 220. AN ACT AUTHORIZING THE TOWN OF SHARON TO APPOINT THE TREASURER/COLLECTOR OF SAID TOWN.

Be it enacted, etc., as follows:

The office of town treasurer-collector of the town of Sharon is hereby established. Said town treasurer-collector shall be appointed, upon the expiration of the offices of town treasurer and town collector, by the board of selectmen for a term not to exceed three years and shall perform all the duties hereinbefore performed by the treasurer and tax collector of said town and shall have such other powers as may from time to time be established. Said town may establish by by-law such qualifications and terms of employment for such office as it deems necessary and appropriate. Any vacancy in said office shall be filled in like manner for the unexpired portion of such term of office.

Approved July 27, 1988.

Chapter 221. AN ACT FURTHER PROVIDING THE ISSUANCE OF HANDICAPPED PLATES.

Be it enacted, etc., as follows:

SECTION 1. The seventh paragraph of section 2 of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- The registrar may issue plates displaying the "International Symbol of Access" for a motor vehicle owned or leased by, and used by, a nonprofit organization or institution for the transportation of handicapped persons when the registrar determines that such organization or institution substantially and regularly provides care and transportation to handicapped persons, and prominently displays the name of the organization or institution on said vehicle.

SECTION 2. Said seventh paragraph of said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "purposes", in line 183, the words:- or a motor vehicle designed and used for the transportation of handicapped persons.

Approved July 27, 1988.
EMERGENCY LETTER: August 10, 1988 @ 3:35 P.M.

Chapter 222. AN ACT RELATING TO CERTAIN RECORDS OF THE DEPARTMENT OF SOCIAL SERVICES.

Be it enacted, etc., as follows:

Section 5 of chapter 18B of the General Laws is hereby amended by adding the following paragraph:-

In order to assure the fullest possible reimbursement from the federal government, the records of the department shall be open for inspection by representatives of the federal government for fiscal purposes including, but not limited to audit, the approval or authorization of payments for assistance to children or families, or for any other purpose directly connected with the administration of such payments for assistance.

Approved July 27, 1988.

Chapter 223. AN ACT RELATIVE TO ACTIONS FOR DEATH AND INJURIES RESULTING IN DEATH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 229 of the General Laws is hereby amended by striking out section 11, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 11. In any civil action in which a verdict is given or a finding made for pecuniary damages for the death, with or without conscious suffering, of any person, whether or not such person was in the employment of the defendant against whom the verdict is rendered or finding made, there shall be added by the clerk of the court to the amount of the damages interest thereon at the same rate of interest per annum as provided in section six B of chapter two hundred and thirty-one, from the date of the commencement of the action, even though such interest brings the amount of the verdict or finding beyond the maximum liability imposed by law.

SECTION 2. The provisions of this act shall apply to all actions in which damages are assessed on or after the effective date of this act.

Approved July 27, 1988.

EMERGENCY LETTER: August 8, 1988 @ 10:14 A.M.

Chapter 224. AN ACT PROHIBITING THE UNAUTHORIZED REMOVAL OF RESEARCH ANIMALS.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by inserting after section 104A the following section:-

Section 104B. Whoever enters any premises in which animals are being housed or used in research by a research institution and, without authority, injures, damages, commits any trespass upon, removes or carries away any data, equipment, facility or property or injures, damages, removes, carries away, interferes with or releases any animal shall, if such injury, damage, trespass, removal, carrying away, interference or release is malicious and wilful, be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than twenty-five thousand dollars and imprisonment in a jail or house of correction for not more than two and one-half years; or if such injury, damage, trespass, removal, carrying away, interference or release is wilful but not malicious, be punished by imprisonment in the state prison for not more than five years or by a fine of not more than ten thousand dollars and imprisonment in a jail or house of correction for not more than two and one-half years.

Approved July 27, 1988.

Chapter 225. AN ACT ESTABLISHING A STABILIZATION FUND BY REGIONAL SCHOOL DISTRICTS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 16G the following section:-

Section 16G 1/2. A regional school district may, upon a majority vote of all the members of the regional district school committee and, with the approval of a majority of the local appropriating authorities of the member municipalities, establish a stabilization fund and may, in any year, include in its annual budget for deposit in the stabilization fund an amount not exceeding five per cent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year or such larger amount as may be approved by the emergency finance board. The aggregate amount in the fund at any time shall not exceed five per cent of the combined equalized valuations of the member municipalities. Any interest shall be added to and become a part of the fund. The annual report submitted to the member municipalities pursuant to clause (k) of section sixteen shall include a statement of the balance in the stabilization fund and all additions to and withdrawals from the fund during the period covered by such report.

The treasurer of the regional school district shall be the custodian of such fund and may deposit or invest the fund in such deposits or investments as are legal for the deposit or investment of revenue funds of the district or in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth.

The stabilization fund may be appropriated by vote of two-thirds of all the members of the regional district school committee for any purpose

for which regional school districts may borrow money or for such other district purpose as the emergency finance board may approve. No expenditure may be made from such appropriation unless the procedures set forth in clause (d) or clause (n) of section sixteen, or in any other provision requiring approval of a debt issue by the member municipalities of the regional school district, have been complied with.

This section shall also apply to any regional school district established under the provisions of a special law.

Approved July 27, 1988.

Chapter 226. AN ACT RELATIVE TO CHILD SEXUAL EXPLOITATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 272 of the General Laws is hereby amended by striking out section 29A, as most recently amended by section 2 of chapter 294 of the acts of 1987, and inserting in place thereof the following section:-

Section 29A. (a) Whoever, either with knowledge that a person is a child under eighteen years of age or while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, and with lascivious intent, hires, coerces, solicits or entices, employs, procures, uses, causes, encourages, or knowingly permits such child to pose or be exhibited in a state of nudity, for the purpose of representation or reproduction in any visual material, shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and imprisonment.

(b) Whoever, either with knowledge that a person is a child under eighteen years of age or while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, hires, coerces, solicits or entices, employs, procures, uses, causes, encourages, or knowingly permits such child to participate or engage in any act that depicts, describes, or represents sexual conduct for the purpose of representation or reproduction in any visual material, or to engage in any live performance involving sexual conduct, shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and imprisonment.

(c) In a prosecution under this section, a minor shall be deemed incapable of consenting to any conduct of the defendant for which said defendant is being prosecuted.

(d) For the purposes of this section, the determination whether the

person in any visual material prohibited hereunder is under eighteen years of age may be made by the personal testimony of such person, by the testimony of a person who produced, processed, published, printed or manufactured such visual material that the child therein was known to him to be under eighteen years of age, or by expert medical testimony as to the age of the person based upon the person's physical appearance, by inspection of the visual material, or by any other method authorized by any general or special law or by any applicable rule of evidence.

SECTION 2. Said chapter 272 is hereby further amended by striking out section 29B, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 29B. (a) Whoever, with lascivious intent, disseminates any visual material that contains a representation or reproduction of any posture or exhibition in a state of nudity involving the use of a child who is under eighteen years of age, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or has in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to disseminate the same, shall be punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

(b) Whoever with lascivious intent disseminates any visual material that contains a representation or reproduction of any act that depicts, describes, or represents sexual conduct participated or engaged in by a child who is under eighteen years of age, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or whoever has in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to disseminate the same, shall be punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

(c) For the purposes of this section, the determination whether the child in any visual material prohibited hereunder is under eighteen years of age may be made by the personal testimony of such child, by the testimony of a person who produced, processed, published, printed or manufactured such visual material that the child therein was known to him to be under eighteen years of age, by testimony of a person who observed the visual material, or by expert medical testimony as to the age of the child based upon the child's physical appearance, by inspection of the visual material, or by any other method authorized by any general or special law or by any applicable rule of evidence.

(d) In a prosecution under this section, a minor shall be deemed incapable of consenting to any conduct of the defendant for which said defendant is being prosecuted.

(e) Pursuant to this section, proof that dissemination of any visual material that contains a representation or reproduction of sexual conduct or of any posture or exhibition in a state of nudity involving the use of a child who is under eighteen years of age was for a bona fide scientific, medical, or educational purpose for a bona fide school, museum, or library may be considered as evidence of a lack of lascivious intent.

SECTION 3. Section 31 of said chapter 272, as so appearing, is hereby amended by inserting after the definition of "Knowing" the following definition:-

"Lascivious intent", a state of mind in which the sexual gratification or arousal of any person is an objective. For the purposes of prosecution under this chapter, proof of lascivious intent may include, but shall not be limited to, the following:

(1) whether the circumstances include sexual behavior, sexual relations, infamous conduct of a lustful or obscene nature, deviation from accepted customs and manners, or sexually oriented displays;

(2) whether the focal point of a visual depiction is the child's genitalia, pubic area, or breast area of a female child;

(3) whether the setting or pose of a visual depiction is generally associated with sexual activity;

(4) whether the child is depicted in an unnatural pose or inappropriate attire, considering the child's age;

(5) whether the depiction denotes sexual suggestiveness or a willingness to engage in sexual activity;

(6) whether the depiction is of a child engaging in or being engaged in sexual conduct, including, but not limited to, sexual intercourse, unnatural sexual intercourse, bestiality, masturbation, sado-masochistic behavior, or lewd exhibition of the genitals.

SECTION 4. Said section 31 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of "Minor" and inserting in place thereof the following definition:-

"Minor", a person under eighteen years of age.

SECTION 5. Said section 31 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of "Nudity" and inserting in place thereof the following definition:-

"Nudity", uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered.

SECTION 6. Said section 31 of said chapter 272, as so appearing, is hereby further amended by inserting after the definition of "Matter" the following definition:-

"Performance", any play, dance, exhibit, or such similar activity performed before one or more persons.

SECTION 7. Said section 31 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of "Sexual conduct" and inserting in place thereof the following definition:-

"Sexual conduct", human masturbation, sexual intercourse, actual or simulated, normal or perverted, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship, any lewd touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, and any depiction or representation of excretory functions in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

SECTION 8. Said section 31 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of "Visual material" and inserting in place thereof the following definition:-

"Visual material", any motion picture film, picture, photograph, videotape, any book, magazine, or pamphlet that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.

Approved July 27, 1988.

Chapter 227. AN ACT RELATIVE TO THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS.

Be it enacted, etc., as follows:

Section 8A of chapter 26 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 4, the words "an assistant attorney general" and inserting in place thereof the words:- two assistant attorneys general.

Approved July 27, 1988.

Chapter 228. AN ACT ESTABLISHING THE MARBLEHEAD HARBORS AND WATERS BOARD.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Marblehead a harbors and waters board hereinafter referred to as the board. The board shall consist of five regular members and not more than three alternate members, all of whom shall be appointed by a majority vote of the board of selectmen. Such members shall to the extent possible be versed in the policy and direction of the harbors and waters of Marblehead. Members shall serve for a one year term.

Members shall be appointed annually. Any vacancy occurring shall be filled for the remainder of the unexpired term. The board shall designate one member as chairperson and one member as secretary for terms of one year and may reappoint such persons as chairperson and secretary.

Three members shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by vote of the board.

Alternate members shall substitute for absent regular members at meetings of the board and shall have all the powers of and for all purposes be considered as regular members when substituting for regular members.

The members shall serve without compensation.

SECTION 2. The board is hereby authorized and empowered:

(a) to develop a harbor management plan;

(b) to mandate procedures, controls, rules and regulations consistent with and pursuant to chapter twenty-one of the town of Marblehead by-laws; establish long-range plans for recreational boating, commercial fishing and water-dependent development projects; confirm the enforcement powers of town, state and federal authorities; recommend fees for town-operated facilities and designate fines for violations;

(c) to work with the harbormaster in enforcing chapter twenty-one of the by-laws of the town of Marblehead and the rules and regulations of the harbors and waters of Marblehead;

(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 town of Marblehead and the United States Army corps of engineers, division of wetlands and waterways of the department of environmental quality engineering, and the Massachusetts office of coastal zone management;

(g) to review and make recommendations on proposed zoning changes

for land bordering the harbors and waters of Marblehead. Such recommendations shall be forwarded in written form to the planning board;

(h) to meet at least once a month; and

(i) to prepare an annual budget.

SECTION 3. The geographic jurisdiction of the board is as follows:

The waters between the shores of the town and a line dividing the town of Marblehead and the town of Swampscott, running from Phillips beach at the end of Seaview avenue, as defined by the Harbor and Land Commissioners under chapter one hundred and ninety-six of the acts of eighteen hundred and eighty-one, across Great Pig Rocks to a point southwesterly of the bell at Outer Breakers thence along a line northeasterly to a point southwesterly of Halfway Rock thence northwesterly to Satan Rock thence in line to Mid Channel Rock off Eagle Island to a point in the line dividing the town of Marblehead and the city of Salem as defined by the Harbor and Land Commissioners under chapter one hundred and ninety-six of the acts of eighteen hundred and eighty-one. Said point being in the water space between said town and city, said point being also in a straight line drawn from the mainland of said town of Marblehead near Peaches Point to Curtis Point in the city of Beverly, the distance between said point and the mainland near Peaches Point; thence turning and running in a general westerly, southwesterly, southerly and southwesterly direction along the said line dividing the town of Marblehead and the city of Salem as defined by said Harbor and Land Commissioners to a point at or near the mouth of the Forest River.

SECTION 4. The board of selectmen of said town may revoke any and all acts of the board by a majority vote taken within thirty days of such act. The board shall transmit to the administrative assistant of the board of selectmen the minutes of each meeting within fourteen days of the close of such meeting.

SECTION 5. The board shall at all meetings provide a period of time for members of the public to be heard.

Approved July 27, 1988.

Chapter 229. AN ACT RELATIVE TO CERTAIN PROPRIETARY INFORMATION OF INSURANCE AGENTS AND BROKERS RELATING ONLY TO PROPERTY AND CASUALTY INSURANCE.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws, as appearing in the 1986 Official

Edition, is hereby amended by inserting after section 162E the following section:-

Section 162F. A duly licensed agent or a duly licensed broker doing business pursuant to the so-called American agency system, other than that of an employer to employee relationship, shall own and have an exclusive right to use certain insurance information contained in insurance policies, certificates of insurance or a written memorandum of a preliminary contract of insurance issued by said agent or broker, embodying the records of an insurance agency which shall include but not be limited to the policy inception date, the amount of insurance coverage, the policy number, the name of the insurance company, the name of the insured, the amount of insurance premiums and the terms of insurance. Any bank, lending institution, mortgage company, or mortgagee, whether acting under state or federal authority, including but not limited to those banks as defined in section one of chapter one hundred and sixty-seven, or any loss payee who obtains said insurance information as evidence or proof of insurance shall be prohibited from using, selling, or transferring said insurance information to any third party for the purpose of marketing, underwriting, or soliciting insurance. The provisions of this section shall apply only to property and casualty insurance.

Approved July 27, 1988.

Chapter 230. AN ACT AUTHORIZING THE TOWN OF LYNNFIELD TO REIMBURSE EUGENE T. KELLY, JR. CERTAIN MONIES PAID AS REAL ESTATE TAXES TO SAID TOWN.

Be it enacted, etc., as follows:

The town of Lynnfield is hereby authorized to reimburse to Eugene T. Kelly, Jr. the sum of five thousand six hundred and thirty-one dollars and twenty-six paid to said town as real estate taxes for which he was entitled to a statutory exemption for the fiscal years, nineteen hundred and eighty-one, nineteen hundred and eighty-two, nineteen hundred and eighty-three and nineteen hundred and eighty-four.

Approved July 27, 1988.

Chapter 231. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO UTILIZE AN ALTERNATIVE METHOD FOR PROCURING DESIGN AND CONSTRUCTION SERVICES FOR THE MASSACHUSETTS STATE TRACK FACILITY.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of section forty-two B of chapter seven of the General Laws, the deputy commissioner of the division of capital planning and operations is hereby authorized to design and construct the Massachusetts state track facility referred to in chapter seven hundred and seventy-two of the acts of nineteen hundred and eighty-seven in accordance with the alternate method recommended in a report filed with the general court entitled "Procedures for the Procurement of Design and Construction Services Under the Turnkey Method" and dated June thirteenth, nineteen hundred and eighty-eight.

SECTION 2. Notwithstanding the provisions of chapter seven hundred and seventy-two of the acts of nineteen hundred and eighty-seven, if the deputy commissioner is unable to acquire the parcel of land described in section one of said chapter seven hundred and seventy-two for the consideration stated therein, then the deputy commissioner is hereby authorized to withdraw from negotiations to purchase said parcel, and in lieu thereof, the deputy commissioner is hereby authorized to identify and convert to use for the site of the Massachusetts state track facility any existing surplus state property or alternatively to acquire other suitable publicly owned land for said purpose for a consideration not to exceed fair market value as determined by procedures customarily accepted by the appraising profession.

Approved July 27, 1988.

Chapter 232. AN ACT PROHIBITING POLICE OFFICERS FROM PERFORMING THE DUTIES OF FIREFIGHTERS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 97E the following section:-

Section 97F. No city or town shall require a member of its police department, or other employee with police powers, to perform the duties of a firefighter during his tour of duty; provided, however, that nothing in this section shall prohibit any such member from serving as a call or volunteer firefighter, or from responding to an emergency in the normal course of his duties. No police officer, or other employee with police powers, shall, in connection with any industrial or labor dispute, perform the duties of a firefighter or any duties other than those regularly assigned to him.

Approved July 27, 1988.

Chapter 233. AN ACT RELATING TO THE INCINERATOR LOCATED IN THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section six of chapter twenty-one H of the General Laws and section forty-eight A of chapter five hundred and eighty-four of the acts of nineteen hundred and eighty-seven, to the contrary, the incinerator located in Fall River shall, no later than July first, nineteen hundred and ninety-one, operate with acid gas scrubbers or such other technology offering equal or greater protection to the public health and environment as the department of environmental quality engineering shall determine.

Approved July 27, 1988.

Chapter 234. AN ACT PROVIDING FOR THE ELECTION OF A MAYOR IN THE CITY KNOWN AS THE TOWN OF AGAWAM.

Be it enacted, etc., as follows:

SECTION 1. The charter of the city known as the town Agawam which is on file in the office of the archives of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws is hereby amended by striking out Article 3 and inserting in place thereof the following Article:-

ARTICLE 3 EXECUTIVE BRANCH

Section 3-1 Mayor - Qualifications; Term of Office; Compensation

(a) Mayor, Qualifications - The chief executive officer of the town shall be a mayor, elected by and from the qualified voters of the town. Any voter shall be eligible to hold the office of mayor. The mayor shall devote his full time to the office and shall not hold any other elective public office, nor shall he actively engage in any other business, occupation or profession during his service as mayor.

(b) Term of Office - The term of office of the mayor shall be two years beginning on the first Monday of January following his election and until his successor is qualified.

(c) Compensation - The town council shall by ordinance establish an annual salary for the mayor. No ordinance increasing the salary of the mayor shall be effective unless it shall have been adopted in the first eighteen months of the term for which councillors are elected and it provides that such salary is to be effective at the commencement of the next term of office of the mayor.

Section 3-2 Executive Powers Enforcement of Ordinances

The executive powers of the town shall be vested solely in the mayor, and may be exercised by him either personally or through the several town agencies under his general supervision and control. The mayor shall

cause the charter, the laws, ordinances and orders for the government of the town to be enforced, and shall cause a record of all his official acts to be kept.

The mayor shall exercise a general supervision and direction over all town agencies, unless otherwise provided by law. Each town agency shall furnish to him, forthwith upon his request, any information, materials or otherwise as he may request and as the needs of his office and the interest of the town may require.

Section 3-3 Appointments by the Mayor

The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided for by the charter, excepting only persons serving under the school committee, persons appointed by state officials and persons serving under the city council.

Section 3-4 Temporary Appointments to Town Offices

Whenever a vacancy, either temporary or permanent, occurs in a town office and the needs of the town require that such office be filled, the mayor may designate the head of another town agency or a town officer or town employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the town clerk, whenever he makes a designation under this section:

I designate (name of person) to perform the duties of the office of (designate Office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the town of Agawam.

(signed) Mayor Section 3-5 Communications; Special Meetings

(a) Communications to the Town Council - Within six weeks following the start of each fiscal year the mayor shall submit to the town council, and make available for public distribution, a complete report on the financial and administrative activities of the town for the preceding fiscal year. He shall from time to time throughout the year, by written communications, keep the town council fully informed of the financial condition and administrative problems of the town and shall recommend to them such measures for their consideration as, in his judgment, the needs of the town require.

(b) Special Meetings of the Town Council - The mayor may at any time call a special meeting of the town council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the town council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

Section 3-6 Approval of Mayor, exception (Veto)

Every order, ordinance, resolution or vote adopted or passed by the town council, relative to the affairs of the town, except the election of officers, shall be presented to the mayor for his approval. If he approves he shall sign it; if he disapproves it, he shall return it, with his objections thereto in writing, to the town council, which shall enter his objections at large on its records, and again consider it, and the same shall be deemed approved and be in force if it is not returned by the mayor, as herein provided, within ten days after it was presented to him. If the town council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds yea and nay vote of all the members, it shall then be in force, but the vote thereon shall not be taken before ten days, nor after thirty days, from the date of its return to the town council.

Section 3-7 Temporary Absence of the Mayor

(a) Acting Mayor - Whenever, by reason of sickness, absence from the town of other cause, the mayor shall be unable to perform the duties of his office for a period of three successive working days or more, the president of the town council shall be the acting mayor. In the event of the absence or disability of the president of the town council the vice-president shall serve.

(b) Powers of Acting Mayor - The acting mayor shall have all of the powers of the mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the mayor shall have continued for more than sixty days, nor shall he approve or disapprove of any measure passed by the town council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which the town council president, or vice-president, is serving as acting mayor he shall not vote as a member of the town council.

Section 3-8 Vacancy in Office of Mayor

(a) Special Election - If a vacancy in the office of mayor occur in the first fifteen months of the term for which the mayor is elected whether by reason of death, resignation, removal from office, incapacity or otherwise the town council shall forthwith order a special election to be held within ninety days following the date the vacancy is created to fill such vacancy for the balance of the then expired term.

(b) Council Election - If a vacancy in the office of mayor occur in the last nine months of the term for which the mayor is elected whether by reason of death, resignation, removal from office, or otherwise, the president of the town council shall become the mayor. Upon the qualification of the president of the town council as the mayor under this section, a vacancy shall exist in his seat on the town council which shall be filled in the manner provided in Section 2-6.

(c) Powers, Term of Office - The mayor elected under Section 2-9 (a) or (b) shall have all the powers of the mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

SECTION 2. References to the word "town" in the charter of the city known as the town of Agawam shall mean city and references to the term "town manager" in said charter shall mean mayor.

SECTION 3. There shall be a special municipal election for mayor to be held on the first Tuesday following the first Monday of May, nineteen hundred and eighty-nine. The provisions of article 7 of the charter of the city known as the town of Agawam shall be applicable to said special election. The person receiving the largest number of votes for mayor at said special election shall forthwith be sworn and assume the duties of the office of mayor. The person elected mayor in said special election shall serve until the first Monday of January, nineteen hundred and ninety-two or until his successor is qualified.

An election for mayor shall be held at the regular municipal election to be held in November, nineteen hundred and ninety-one and each two years thereafter.

SECTION 4. The state secretary shall cause the following question to be placed on the official ballot to be used in the city known as the town of Agawam at the biennial state election to be held in the year nineteen hundred and eighty-eight.

"Shall an act passed by the General Court in the year nineteen hundred and eighty-eight, entitled 'An Act providing for the election of a mayor in the city known as the town of Agawam', be accepted?"

If a majority of the voters cast in answer to said question is in the affirmative then this act shall take full effect but not otherwise.

Approved July 27, 1988.

Chapter 235. AN ACT PROVIDING THAT CHIEF DONALD E. RAWSON MAY CONTINUE EMPLOYMENT WITH THE FIRE DEPARTMENT OF THE TOWN OF HOLLISTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, Donald E. Rawson, chief of the call fire department of the town of Holliston, is hereby authorized to continue in such position until and including August fifteenth, nineteen hundred and ninety; provided, however, that he is mentally and physically capable of performing the duties of his office or position; and provided, further, that he shall annually, at his own expense, be examined by an impartial physician designated by the 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 for service subsequent to August fifteenth, nineteen hundred and eighty-seven, and upon retirement said employee shall receive a superannuation allowance equal to that to which he would have been

entitled had he retired on said date.

SECTION 2. The provisions of this act shall take effect upon August fifteenth, nineteen hundred and eighty-seven.

Approved July 27, 1988.

Chapter 236. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-EIGHT TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain other activities and projects, the sums set forth in section two for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, for the fiscal year ending June thirtieth, nineteen hundred and eighty-eight 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.

Supreme Judicial Court.

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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; provided that, notwithstanding the provisions of chapter two hundred and eleven D of the General Laws or any general or special law to the contrary, the committee on public counsel services shall be allowed to process and pay for outstanding obligations incurred during fiscal year nineteen hundred and eighty-eight and prior fiscal years with fiscal year nineteen hundred and eighty-nine funds; prior appropriation continued	$3,456,751

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Trial Court.

0330-2700 For printing expenses, prior appropriation continued $100,000

Secretary of the Commonwealth.

0521-0000 For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections; provided that, the funds herein authorized shall be available for expenditure until June thirtieth, nineteen hundred and eighty-nine $13,000

Treasurer and Receiver-General.

0610-6603 For the purchase of additional shares of the Massachusetts Community Development Finance Corporation, as authorized by section four A of chapter forty F of the General Laws, as amended; provided, that not less than three hundred and fifty thousand dollars shall be obligated for youth small business development programs; provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-nine $350,000

State Board of Retirement.

0612-1000 Item 0612-1000 of section two of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven is hereby amended by striking out the wording and inserting in place thereof the following:- For the payment of the commonwealth's share in financing the state employees' retirement systems; provided, however, that any amounts appropriated in this item that are not required for the purposes of this item may be transferred from this item to item 1108-4300 to the extent that the amount otherwise available in such item is insufficient; provided that such a transfer shall be made pursuant to a schedule prepared by the secretary of administration, in consultation with the treasurer, and to be filed prior to

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any such transfer with the house and senate committees on ways and means, prior appropriation continued.

Highway Fund	15.0%
General Fund	84.8%
Inland Fisheries and Game Fund	0.2%

0612-1100 Item 0612-1100 of said section two is hereby amended by striking out the wording and inserting in place thereof the following:- 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; provided further, that subject to rules and regulations promulgated by the treasurer, the state board of retirement and each city, town, county, or district shall verify the cost thereof and the treasurer shall be authorized to make such payments; provided further, however, that any amounts appropriated in this item and not required for the purposes of this item may be transferred from this item to item 1108-4300 where the amount otherwise available in such item is insufficient; pro- vided that such a transfer shall be made pursuant to a schedule prepared by the secretary of administration, in consultation with the treasurer, and to be filed prior to any such transfer with the house and senate committees on ways and means.

Local Aid Fund	80.0%
General Fund	15.0%
Highway Fund	5.0%

0612-1505 For the commonwealth's obligations under the seventh and eighth sentences of paragraph (c) of subdivision (3) of section twenty-two of

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chapter thirty-two of the General Laws, and under the first sentence of clause (b) of paragraph (i) of subdivision (8) of said section twenty-two of said chapter thirty-two, on behalf of retirement systems, other than state employees' and state teachers' systems, participating in the Pension Reserves Investment Trust Fund $3,073,239

Local Aid Fund 100.0%

Debt Service.

0699-8300 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Intercity Bus Fund.

Intercity Bus Fund 100.0%

0699-8301 For the 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 Intercity Bus Fund.

Intercity Bus Fund 100.0%

0699-8302 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Intercity Bus Fund.

Intercity Bus Fund 100.0%

0699-9200 For certain debt service contract assistance to the Massachusetts Land Bank in accordance with the provisions of section eight B of chapter one hundred and thirty of the acts of nineteen hundred and eighty-seven $5,998,028

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Management Information Systems.

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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 of 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

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management information systems is hereby authorized and directed to implement a chargeback system for its bureau of computer services which complies with the requirements of section forty-five, including not more than three hundred and thirty-six positions; and provided further, that a certain prior year salary adjustment in an amount not exceeding six thousand six hundred and twenty-seven dollars and sixteen cents approved by the department of personnel administration for a position reallocation shall be allowed and paid from this item.

Civil Service Commission.

1108-1011 For the administration of the civil service commission, including not more than eleven positions; and provided further, that certain prior year expenditure adjustments in an amount not exceeding three thousand eight hundred and twenty-one dollars and two cents shall be allowed and paid from this item.

Office of Employee Relations.

1108-3200 For the purpose 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 $1,059,741

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

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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-nine $3,100,000

1599-3315 For the transportation of prisoners to and from the several departments of thetrial 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 commis- sioner 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 fifty-seven thousand six hundred and eighty-eight dollars; Nantucket, twenty thousand dollars; Norfolk, four hundred sixty-six thousand three hundred and fifty-seven dollars; Plymouth, four hundred thirty-two thousand nine hundred and sixty-two dollars; Suffolk, four hundred sixty-eight thousand forty-seven dollars; Worcester, three hundred eighty-nine thousand three hundred and thirty 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

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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 $171,744

Local Aid Fund 100.0%

1599-3384 For a reserve for the payment of certain court judgments, settlements and legal fees, filed with the house and senate committees on ways and means, which were ordered to be paid in fiscal year nineteen hundred and eighty-eight or a prior fiscal year and which derive from causes of action initiated in said fiscal year or a prior fiscal year; provided that the comptroller is hereby authorized to charge such payments to this item; provided that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-nine $4,792,106

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 $35,205

1599-3671 For the reimbursement to certain cities and towns in accordance with the provisions of chapter three and chapter five hundred and fifty-one of the acts of nineteen hundred and eighty-seven $56,851

Local Aid Fund 100.0%

1599-3700 For reimbursement for a certain court case, provided further, that notwithstanding any general or special law to the contrary, state

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treasurer is hereby authorized and directed to reimburse the town of Ware in the amount of one hundred and thirty-seven thousand five hundred dollars for the settlement of the case of Debbie L. Irwin, et al vs. the Town of Ware $137,500

Local Aid Fund 100.0%

1599-3701 For the purpose of discharging a moral obligation for legal and psychological expenses incurred by Lawrence and Helen Wilder of Tyngsborough in custody proceedings of Paul Wilder whereby the department of public welfare challenged the adoption of said Paul Wilder; provided further, that the state treasurer is hereby authorized to pay a sum of twenty-nine thousand, six hundred and fifty-eight dollars to Lawrence and Helen Wilder $29,658

1599-7881 For the discharge of a moral obligation and for the repair and rehabilitation of the property of Charlotte Gridiron at 125 Centre Street, Roxbury $60,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100 For the office of the secretary, including the expenses of the water resources commission, the division of conservation services, a program for coastal zone management, for a program of review of environmental impact reports pursuant to chapter thirty of the General Laws, and including an amount not less than one hundred thousand dollars for the operating expenses of the state conservation districts and including an amount not less than forty-two thousand dollars for the purpose of developing a five year natural resource plan; and for land use planning and development; provided, that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any other of those

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state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies; 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 seven thousand and two dollars for certain contracted services rendered during the period January second, nineteen hundred and eighty-eight and May sixth, nineteen hundred and eighty-eight, 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; and provided further, that certain prior year personnel expenses not to exceed sixteen thousand thirty-seven dollars shall be allowed and paid from this item, including not more than seventy-three positions.

Highway Fund	24.9%
Local Aid Fund	21.1%
Inland Fisheries and Game Fund	3.0%
Mosquito and Greenhead Fly Control Fund	1.0%
General Fund	50.0%

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; 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 five hundred nineteen dollars for certain contracted ser-

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vices rendered during the period July first through August thirty-first, 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, including not more than four positions.

2050-0200 For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws; provided, that notwithstanding the provisions of any general or special law to contrary the awarding of all said grants shall meet with the prior approval of the secretary of the executive office of environmental affairs; provided further, that not less than one hundred and eighty-five thousand dollars may be expended for implementation of a geographic information system for environmental data in Massachusetts; provided further, that not less than thirty-two thousand dollars be used for the study and implementation of access to the new statewide geographic information system by state, regional and local government; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-nine $32,000

Department of Environmental Management.

2120-0306 For the study and preparation of plans, if necessary, relative to the establishment of public waterfront access and recreational facilities in the city of Gloucester; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-nine $250,000

Local Aid Fund 100.0%

2150-0600 For the cleaning, dredging and improvement of public access to Long Pond in Tewksbury; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-nine $500,000

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Local Aid Fund 100.0%

DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

Division of Fisheries and Wildlife.

2300-0150 For the expenses of a state funded program of restoring and preserving the environment and recreational quality of the Assabet River and the Blackstone River; provided, that this appropriation shall not expire until June thirtieth of nineteen hundred and eighty-nine, including not more that two positions $60,000

2310-0500 For the expenses of a state funded program in natural heritage, and environmental assessment, including not more than six positions.

Inland Fisheries and Game Fund 50.0%
Non-Game Wildlife Fund 50.0%

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; 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 eight thousand five hundred dollars for certain contracted services rendered during the period November sixteenth, nineteen hundred and eighty-seven, through June fourteenth, nineteen hundred and eighty-eight, and on May eighteenth, nineteen hundred and eighty-eight, 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, including not more than one hun-

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dred and fifty-nine positions.

Inland Fisheries and Game Fund	15.0%
General Fund	85.0%

2350-0101 For the hunter safety program; 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 one thousand nine hundred and ten dollars for certain con- tracted services rendered during the period November first through November 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, including not more than four positions.

Inland Fisheries and Game Fund	100.0%

Department of the Metropolitan District Commission.

2410-1000 For general administration; provided, that the comptroller is hereby authorized to pay a legal settlement not to exceed twenty-eight thousand, nine hundred dollars for legal services rendered in prior fiscal years on behalf of certain members of the metropolitan district police department, including not more than forty-one positions.

General Fund	50.0%
Highway Fund	25.0%
Local Aid Fund	25.0%

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

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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; and provided further, that a certain prior year obligation for payment of in lieu of taxes in the amount not exceeding twelve thousand dollars shall be allowed and paid from this item; including not more than one hundred and ninety-nine positions.

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 water- front; and for a reservations and interpret- ive services program at the Harbor Islands and the Blue Hills, Breakheart, Elm Bank, Hemlock Gorge and Middlesex Fells reservation; provided, that the metropolitan district commission shall not permit access or curb cuts to Chestnut Hill reservoir driveway under its control to any develop- ment 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 the com-

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ptroller is hereby authorized to reimburse for a settlement a sum not to exceed two hundred and fifty thousand dollars pursuant to a memorandum of agreement for damages incurred during construction activities in fiscal year nineteen hundred and eighty-eight and in prior fiscal years; 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 eight thousand four hundred and thirty-two dollars for certain contracted services rendered during the period September first, nineteen hundred and eighty-six and June 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; 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.

Local Aid Fund	33.0%
Highway Fund	67.0%

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3743-2024 For the development by the Lena Park community development corporation of a master plan for the economic revitalization of the Blue Hill Avenue corridor extending from the Dudley Square area of Boston to the Milton town line, such master plan to include a comprehensive agenda for commercial, business and housing redevelopment, a specific plan for technical and financial assistance to community development corporations and small business in the targeted area, and a specific plan for coordinated use of existing resources in both the public and private sectors; provided, that said master

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plan shall be submitted to the house and senate committees on ways and means no later than November fifteenth, nineteen hundred and eighty-eight; and provided further, that the funds herein authorized shall be available for expenditure until November fifteenth, nineteen hundred and eighty-eight $150,000

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, provided that the funds herein authorized shall be available for expenditure until June thirtieth, nineteen hundred and eighty-nine $200,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Rate Setting Commission.

4100-0011 For the Medicare shortfall assistance fund established in section thirty-two C of chapter six A of the General Laws provided that the monies in this account shall be used to offset shortfalls occurring in fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine and provided further, that notwithstanding any other provision of this act or any other general or special law to the contrary this appropriation shall expire on June thirtieth, nineteen hundred and eighty-nine $50,000,000

Massachusetts Commission for the Blind.

4110-1020 For support of a medical assistance program for the blind, including such expenses incurred in previous fiscal years; provided, that the commission for the blind shall reimburse the department of public welfare for any medical assistance claims paid by said department on the commission's behalf and administrative expenses incurred in order to process such claims as may be determined to be ap-

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propriate 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 $2,000,000

Office for Children.

4130-0002 For the administration of a trust fund for child abuse prevention programs as defined in chapter seven hundred and twenty-nine of the acts of nineteen hundred and eighty- seven; provided, that the executive director of the trust fund submit, in conjunction with the established children's trust fund board, a report detailing proposed expenditures to the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-nine; provided further that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-nine, including not more than two positions $150,000

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance of the home; provided, that a court judgement in an amount not to exceed eighteen thousand nine hundred dollars may be allowed and paid from this item, including not more than five hundred and seventy positions.

Department of Public Welfare.

4402-5012 For the payment of medicaid settlements $24,700,000

4402-5020 For inpatient hospital care $32,188,812

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,

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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 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 here- in 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

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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 $3,260,802

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 $650,000

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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, 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 pre- scribed 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 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 nec- essary post-partum obstetric and gyne- cological 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

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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 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 $900,000

DEPARTMENT OF MENTAL HEALTH.

5048-0000 For the operation of a life-line/hot-line for clients and family members of clients in the state mental health hospitals and the hiring of a full-time legal advocate at each of the eight state mental health hospitals, to be operated by the state's Mental Health Legal Advisors Council and the Center for Public Representation; provided, that said appropriation shall be available for expenditure until thirtieth, nineteen June hundred and eighty-nine $100,000

DEPARTMENT OF MENTAL RETARDATION.

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-

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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 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; and provided further, that certain prior year costs pursuant to settlement of Office of Employee Relations Grievance No. 86-771 in the amount of one thousand one hundred fifty-six dollars shall be allowed and paid from this item.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Bay Transportation Authority.

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6005-0018 For additional contract assistance to be allocated by the Massachusetts Bay Transportation Authority for the net additional expense of commuter rail service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts Bay Transportation Authority for calendar year nineteen hundred and eighty-seven, including funds for the net additional expense of bus service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts Bay Transportation Authority for fiscal year nineteen hundred eighty-eight, in the 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, 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.

General Fund	80.0%
Highway Fund	20.0%

6010-0051 For the purposes of planning and design, and for repairs and improvements to the Route 6-28 area in the town of Wareham; provided that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-nine $300,000

Highway Fund	100.0%

6010-0052 For the town of Andover to provide commuter parking; provided further, that the funds herein authorized shall be available for expenditure until June thirtieth, nineteen hundred and eighty-nine $37,000

6010-0053 For the installation of a traffic signal on Route 28 at the Brockton-West Bridgewater line, where Southbound lanes merge from two lanes to

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one; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-nine $15,000

DEPARTMENT OF EDUCATION.

7010-0007 For the development and administration of a program recognizing educational achievement, pursuant to section fifty-five of chapter fifteen of the General Laws, as amended by chapter seven hundred and twenty-seven of the acts of nineteen hundred and eighty-seven 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 four positions; provided further, that such appropriation shall not expire until June thirtieth, nineteen hundred and eighty-nine $75,000

Local Aid Fund 100.0%

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws; provided, that the department shall provide services to eligible inmates in county houses of correction in accordance with and during the preliminary injunction issued by the United States District Court, District of Massachusetts; provided further, that pursuant to the court judgment in Quirk v. Anrig the department may pay retroactive salary adjustments for services provided by institutional school personnel, including not more than one hundred and twenty-two positions $532,149

7053-1910 For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons; provided, that the department of education may reimburse program recipients for prior year expenditures.

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	Local Aid Fund	100.0%	
7061-0015	For the reimbursement of regional school districts under the provisions of chapter seven hundred thirty of the acts of nineteen hundred eighty-seven		$900,000
	Local Aid Fund	100.0%	

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 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 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

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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, 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 section 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,

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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 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 the 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 seven-

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ty-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; and provided further, that from the sum appropriated herein, the comptroller is authorized to pay the sum of fifty-two thousand one hundred and three dollars for the discharge of a moral obligation, to reduce the financial loss suffered during the period of September, nineteen hundred and eighty-three through June, nineteen hundred and eighty-five by certain individuals due to the closing of Boston State College.

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7100-0103 For the lease or lease purchase of a certain parcel of land and land with building thereon in the immediate vicinity of Massasoit Community College for the development and expansion of various programs of the college including utilization for convention operations, provided that the deputy commissioner of the division of capital planning and operations acting on behalf of the commonwealth and with the prior approval of the board of regents and board of trustees of Massasoit Community College is hereby authorized to negotiate a lease or lease purchase agreement; provided further that no payment shall be made until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser and, further, for the study, design and construction of improvements and renovations consistent with educational requirements of the college; provided further, that such appropriation shall not expire until June thirtieth, nineteen hundred and eighty-nine $250,000

7100-0104 For the expenses incurred by Southeastern Massachusetts University for the merger with the Swain School of Design, including not more than forty positions; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-nine $1,600,000

7100-0105 For the expenses of a satellite campus of Bristol Community College in the city of Attleboro; provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-nine $128,000

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, Bristol, Plymouth, Barnstable and Norfolk County Co-

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	operative 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 ninety-two positions; provided, that the program at Plymouth will begin on October first, nineteen hundred and eighty-eight; provided further, that such appropriation shall not expire until June thirtieth, nineteen hundred and eighty-nine	$448,125
7100-0222 For	the establishment of a full-time auxiliary campus of Quinsigamond Community College in the Milford/Uxbridge area; provided, that said appropriation shall be available for expenditure until June thirtieth, nineteen hundred and eighty-nine	$429,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Military Division.

8700-0001 For	the office of the adjutant general, including not more than thirty-four positions	$104,000
8700-1110 For	the operation of armories of the first class, including not more than seventy-five positions	$90,000
8700-1300 For	the Camp Curtis Guild rifle range, including not more than seven positions	$5,000
8700-1510 For	certain national guard aviation facilities, including not more than eight positions	$9,400

SECTION 2A. I. For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty-nine certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-eight, the unexpended balances of the maintenance appropriation items shown below, not to exceed the amount specified below for each item, are hereby re-appointed for the fiscal year nineteen hundred and eighty-nine.

0111-0000
0111-9000

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0117-0000	$19,116
0122-0000	$ 139,497
0124-0000	$ 238,532
0127-0000	$ 430,412
0127-0020	$565,121
0127-0030	$25,737
0127-0040	$256,207
0129-0000	$229,058
0143-0000	$44,403
0144-0000	$178,473
0164-0020	
0185-7807	$10,000
0185-7816	$84,723
0185-7817	$13,488
0185-7866	$150,000
0321-1500	$800,000
0330-0300	$300,000
0330-3800	$1,200,000
0411-1160	$80,000
1105-3604	$4,000
1105-3611	$243,000
1599-3655	$1,300,000
2120-1506	$40,400
2120-0571	$36,000
2250-0900	$87,300
2250-0905	$75,000
2250-0906	$109,660
2250-0912	$55,000
2420-1500	$131,000
4349-0030	$300,000
6001-1615	$500,000
6005-0016	$150,000
6010-0025	$105,000
6030-7303	$21,000
6034-0019	$700,000
8800-0015	$448,000
9091-0410	$300,000
9300-0005	$55,000
9440-0200	$204,397

II. For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty-nine certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-eight, the unexpended balances of the bond-funded items shown below are hereby re-appropriated for the fiscal year nineteen hundred and eighty-nine.

0115-8758
0332-8811
0431-8811
0431-8832
0431-8833
0431-8835
0511-8811
1100-1560
1100-1561
1100-8757
1100-8758
1100-8791
1102-8784
1102-8791
1102-8792
1102-8796
1102-8801
1102-8804
1102-8812
1102-8813
1102-8814
1102-8815
1102-8816
1102-8818
1102-8819
1102-8820
1102-9801
1102-9802
1102-9837
2000-8830
2120-8803
2120-8805
2120-8812
2120-8823
2120-8825
2130-8772
2150-8831
2200-7871
2250-1001
2250-1010
2270-8771
2270-8772
2270-8791
2270-8811
2270-8812
2270-8813
2270-8817
2270-8821

2320-8813
2410-8801
2410-8802
2440-8798
2440-8802
2440-8819
2440-9812
2440-9813
2440-9814
2444-8812
2449-7260
2449-7350
2449-8754
2449-8755
2681-9029
3722-9015
3722-9030
3722-9301
3724-9001
3724-9002
4221-8791
4311-8811
4312-8751
4313-8801
4313-8811
4314-8812
4315-8811
4316-8795
4316-8801
4316-8811
4316-8812
4316-8813
4343-8811
4344-8811
4345-8811
4346-8801
4348-8811
4348-8812
4516-8801
5011-8801
5011-8802
5011-8811
5011-8812
5191-8801
5295-8801
5481-8801
5651-8811
5897-8811

6000-3025
6000-3100
6004-8756
6031-8830
6031-8831
6032-4037
6032-4038
7070-8811
7109-8721
7111-8801
7114-8721
7114-8801
7115-8801
7117-8771
7220-8802
7220-8803
7410-8772
7410-8774
7410-8781
7410-8783
7410-8784
7410-8791
7410-8812
7410-8846
7416-8812
7490-8706
7490-8751
7504-8801
7506-8771
7507-8771
7514-7800
7514-8811
7515-8811
9300-2801
9300-3901
9300-3902
9300-3905

III. For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty-nine certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-eight, the unexpended balances of the bond-funded items shown below are hereby re-appropriated for the fiscal year nineteen hundred and eighty-nine; 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
2130-8771
2440-8794
2681-8751
4315-8792
4532-8791
4537-8792
5391-8771
5561-8721
6059-0000
7109-8791
7114-8791
7116-8751
7416-8801
7490-8712
7490-8721
7490-8722
7514-8751

IV. Notwithstanding any general or special law to the contrary, any remaining balances at the end of fiscal year nineteen hundred and eighty-eight from revenues authorized to be retained by certain departments, commissions, and agencies for expenditure without further appropriation in the fiscal year ending June thirtieth, nineteen hundred and eighty-eight, shall be reported by the comptroller as unrestricted revenues for the fiscal year ending June thirtieth, nineteen hundred and eighty-eight, and shall not be made available for expenditure during the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, without further appropriation; provided, however, that the unexpended balances from retained revenue, so-called, of the items listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes provided in such general or special law during the fiscal year nineteen hundred and eighty-nine.

SUPREME JUDICIAL COURT.

0320-0984	$366,000

DISTRICT ATTORNEYS.

0340-0110	$1,500,000
0340-0210	$50,000
0340-0310	$60,000
0340-0410	$410,000
0340-0510	$291,000
0340-0610	$100,000

0340-0710	$350,000
0340-0815	$155,000
0340-0910	$300,000
0340-1010	$60,000
0340-1110	$60,000
2310-0312	$125,000

V. Of the amount appropriated to item 2100-0105 of section two of chapter two hundred and eighty-nine of the acts of nineteen hundred and eighty-three, the balance remaining as of June thirtieth, nineteen hundred and eighty-eight in allocation account 2100-0107 is hereby re-appropriated for the fiscal year nineteen hundred and eighty-nine.

SECTION 3. The office of the comptroller is authorized to write off advances unaccounted for from the commonwealth's books of account. The office of the comptroller will notify the involved departments and the respective ways and means committees of such action. Departments must certify in writing the reasons that the advances cannot be accounted for and that the funds were expended for authorized purposes prior to being written off by the office of the comptroller.

SECTION 4. Notwithstanding any general or special law to the contrary, any income derived from the investment of amounts credited to the books of the commonwealth from the Petroleum Violation Escrow Settlement accounts listed below shall be available for expenditure pursuant to the terms of said settlements, without further appropriation, provided that any remaining balances at the end of the fiscal year nineteen hundred and eighty-eight are hereby made available to be expended without further appropriation for the purposes provided herein during fiscal year nineteen hundred and eighty-nine: 9300-7011, 9300-7013, 9300-7014, 9300-7015, 9300-7016, 9300-7019, 9300-7020.

SECTION 5. Subsection III of section two A of the general appropriation act for the period ending June thirtieth, nineteen hundred and eighty-nine, is hereby amended by inserting the following item:

EOHS - Department of Public Health.

Drug Analysis Laboratory.

Item

4516-0102 The department of public Health Drug Analysis Laboratory may expend revenues in an amount not to exceed one hundred thousand dollars accrued from penalties paid in accordance with section six B of chapter two hundred and eighty of the General Laws, for

services provided to analyze samples used in prosecution of controlled substance offenses $100,000

SECTION 6. Notwithstanding any general or special law to the contrary, the comptroller is hereby authorized to transfer from the following items such amounts as would otherwise be unexpended on June thirtieth, nineteen hundred and eighty-eight, to those of the following items which would otherwise have insufficient amounts to meet debt service payments for fiscal year ending June thirtieth, nineteen hundred and eighty-eight, provided that each amount so transferred shall be charged to such Funds as specified in the item to which said amount is transferred: 0699-1800, 0699-1801, 0699-1900, 0699-2800, 0699-2900, 0699-3800, 0699-3801, 0699-3900, 0699-4800, 0699-4801, 0699-4900, 0699-5800, 0699-5801, 0699-5900, 0699-6800, 0699-6801, 0699-6900, 0699-7800, 0699-7801, 0699-7900, 0699-8300, 0699-8301, 0699-8302, 0699-8400, 0699-8402, 0699-9100.

SECTION 7. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Boston and Lynn harbors and Massachusetts, Buzzards and Cape Cod Bays Environmental Trust Fund. It shall be the sole purpose of the Trust Fund to fund and coordinate projects to restore, protect and improve the quality of Boston and Lynn harbors and Massachusetts, Buzzards and Cape Cod Bays, to increase understanding of the Bays and their resources and the effect of human activities upon them, and to encourage public involvement in activities which promote the harbors and Bays as living resources and public treasures for present and future citizens of the commonwealth of Massachusetts. The expenditure of the two million dollars of principal appropriated to the trust by this section shall be made at the direction of the secretary of environmental affairs solely in accordance with the terms and conditions of the Stipulation and Order filed with the United States District Court for the District of Massachusetts on or about April twelfth, nineteen hundred and eighty-eight, by the United States and the commonwealth for the purpose of settling the United States' claim of penalties against the commonwealth and the metropolitan district commission in United States v. metropolitan district commission, Civil Action No. 85-0489-MA. All other monies for the Trust Fund shall be solicited, received and expended within the limits of and in the manner described in rules and procedures to be adopted by the board of trustees to be appointed by the secretary of environmental affairs. The board shall also develop criteria for project grants to be made to qualifying not-for-profit organizations, community associations, civic groups, schools or public agencies for projects consistent with the purposes of the Trust Fund.

(b) Within thirty days of the establishment of the Trust Fund, the secretary of environmental affairs shall appoint a board of trustees. The secretary may also appoint a director to assist in administration of the Trust Fund. All expenditures from the Trust Fund shall be made at the

direction of the secretary of environmental affairs, with the advice of the board; provided that expenditures of funds other than the two million dollars of principal appropriated by this section shall also require the approval of said board. The board shall consist of seven distinguished citizens who, by virtue of standing in the community and experience, are suited to advise the secretary on effecting the purposes of the Trust Fund. The board shall serve without compensation, and shall adopt operating rules and procedures for its organization and activities.

(c) Notwithstanding the provisions of any general or special law to the contrary, revenue shall be credited to the fund in the following manner:

(i) The sum of two million dollars is hereby made available from the General Fund for the purposes of the fund; provided that said funds shall remain available until July thirty-first, nineteen hundred and ninety-two; provided further that, from time to time, the secretary of environmental affairs shall, as he deems appropriate, notify the state treasurer, the state comptroller, the commissioner of administration, and the house and senate committees on ways and means that funds are required for the purposes listed in subsection (a). Upon receipt of said notification, the comptroller shall, without delay, transfer to the fund without further appropriation the amounts requested; provided that the cumulative total of all such transfers may not exceed the two million dollars authorized by this paragraph; and provided further, that the amounts transferred pursuant to this paragraph shall be held separately from amounts received pursuant to paragraphs (ii), (iii), and (iv);

(ii) quarterly, on or about September thirtieth, December thirty-first, March thirty-first, and June thirtieth, and treasurer shall certify to the comptroller an amount of interest to be credited to the fund, calculated on the basis of the daily balance remaining in the General Fund of the two million dollar principal appropriated in the preceding paragraph plus accumulated interest, less amounts already transferred pursuant to either this clause or clause (i), and the comptroller shall quarterly transfer said amount of interest to the fund without further appropriation; provided that the amounts credited under this clause shall be in addition to amounts credited in clause (i), and shall not be subject to the two million dollar limitation imposed in clause (i);

(iii) the trust fund shall retain all interest earned on sums deposited in the fund;

(iv) in addition, the trust fund may receive such other funds as may be appropriated from time to time, as well as gifts and grants from other sources, or fines and penalties not designated by law for other specific purposes, to be used for the purposes of the trust.

(d) The state comptroller shall charge the amounts transferred under clauses (i) and (ii) of subsection (c) to the General Fund of the commonwealth, and said charges shall be reflected in annual financial reports in accordance with section twelve of chapter seven A of the General Laws.

SECTION 8. Notwithstanding the provisions of any general or special

law to the contrary, for the purposes of the preservation or creation of employment in ship building, ship repair, and other maritime activities, except for a hazardous waste facility sited under applicable provisions of the General Laws, the Massachusetts Water Resources Authority is hereby authorized to dispose of to a public agency or private entity, under terms and conditions acceptable to the board of directors of said Authority, any portion of its property in the city of Quincy and the town of Braintree known as Quincy Shipyard which said Authority determines not to be needed during the term of such lease for the construction, maintenance or operation of its sewer and waterworks systems, and to grant easements appurtenant to said dispositions within said property.

SECTION 9. 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-eight 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 finance 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-eight; provided, further, that said comptroller is hereby authorized to make payments for certain contracted services rendered in prior fiscal years for which certain regulations and procedures adopted as aforesaid were not properly followed; provided, further, that the secretary of the executive office overseeing the agency which was a party to such a contract shall certify in writing that such services were actually performed; provided, further, that such prior year payments shall be based on schedules approved by the secretary of administration and finance 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 current agency appropriation; provided, further, 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 10. Notwithstanding the provisions of any general or special law to the contrary, for the period ending June thirtieth, nineteen hundred and eighty-nine, 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 or under the provisions of any other general or special law, and with respect to any service, registration, regulation, license, fee, permit, or other 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, (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; (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 decrease or increase any existing fee or charge or establish any new fee or charge unless notice of said action is filed with the clerks of the house and senate no less than thirty days prior thereto.

SECTION 11. As of June thirtieth, nineteen hundred and eighty-eight, the comptroller shall transfer from the Economic Development Fund to the General Fund any undesignated fund balance remaining in the Economic Development Fund, for the purpose of financing economic development activities pursuant to section fourteen E of chapter one hundred and fifty-one A of the General Laws.

SECTION 12. Notwithstanding the provisions of any general or special law to the contrary, as of June thirtieth, nineteen hundred and eighty-eight, the comptroller shall transfer from the Metropolitan District Water Fund to the General Fund the undesignated fund balance in said Metropolitan District Water Fund.

SECTION 13. Notwithstanding the provisions of section five C of chapter twenty-nine of the General Laws, the comptroller shall, on or before September fifteenth, nineteen hundred and eighty-eight, certify to the commissioner of administration a preliminary consolidated net surplus in the operating funds for fiscal year nineteen hundred and eighty-eight.

SECTION 14. (a) Notwithstanding any general or special law to the contrary, the comptroller shall, as of June thirtieth, nineteen hundred and eighty-eight, transfer from the fund established pursuant to section

two H of chapter twenty-nine of the General Laws, to the extent that funds are available therein, to the General Fund the amount of any negative undesignated fund balance in the General Fund, if any, for the fiscal year nineteen hundred and eighty-eight; provided, however, that not more than fifty per cent of the amount contained in said fund shall be transferred, in the aggregate, for purposes of this subsection and subsection (d).

(b) As of June thirtieth, nineteen hundred and eighty-eight, the comptroller shall transfer from the General Fund, to the extent that funds are available therein prior to transfers made pursuant to prior authorizations in this section, to the Local Aid Fund the amount of the Local Aid Fund deficit, if any, for the fiscal year nineteen hundred and eighty-eight.

(c) As of June thirtieth, nineteen hundred and eighty-eight, the comptroller shall transfer from the General Fund, to the extent that funds are available therein prior to transfers made pursuant to prior authorizations in this section, to the Highway Fund the amount of the Highway Fund deficit, if any, for the fiscal year nineteen hundred and eighty-eight, provided that any surplus in the Highway Fund as of June thirtieth, nineteen hundred and eighty-eight, not to exceed amounts transferred to said fund pursuant to section ten of chapter three hundred and three of the acts of nineteen hundred and eighty-seven, shall be transferred to the General Fund.

(d) To the extent that funds remain available in the fund established pursuant to section two H of chapter twenty-nine of the General Laws after the transfer made pursuant to prior authorizations in this section, the comptroller shall transfer from said fund to the Local Aid Fund the amount of the Local Aid Fund deficit, if any remains after transfers made pursuant to prior authorizations in this section, for the fiscal year nineteen hundred and eighty-eight; and, to the extent that funds remain available in said fund established pursuant to said section two H after said transfers, the comptroller shall likewise transfer from said fund to the Highway Fund the amount of the Highway Fund deficit, if any remains after transfers made pursuant to prior authorizations in this section, for the fiscal year nineteen hundred and eighty-eight.

(e) For purposes of this section, deficit in a fund shall mean the total fund equity without regard to whether any portion of such fund equity may be designated for any purpose or undesignated; provided that, notwithstanding any other provision of this act or any general or special law to the contrary, designations of fund equity for the fiscal year ending June thirtieth, nineteen hundred and eighty-eight, for any lawful purposes of said Highway and Local Aid Funds in such amounts that would cause the undesignated component of fund equity to become or remain a negative number are not permitted; and provided further that, if circumstances in said Highway or Local Aid Funds would cause such a negative undesignated component of fund equity, the comptroller shall terminate all such designations within the fund and immediately inform the commissioner of administration and the house and senate committees

on ways and means.

SECTION 15. Notwithstanding any general or special law to the contrary, the comptroller is hereby authorized and directed to apportion reimbursements received from the federal government during the fiscal year nineteen hundred and eighty-eight for accelerated highway program purposes in the following manner: an amount certified by the commissioner of public works to ensure full reimbursement for expenditures from Highway Fund personal services appropriations for said program purposes retroactive to the fiscal year nineteen hundred and seventy-seven shall be credited to the Highway Fund; the balance of reimbursements shall be credited to the Federal Highway Construction Program Fund.

SECTION 16. Notwithstanding the provisions of any general or special law to the contrary, on June thirtieth, nineteen hundred and eighty-eight, the comptroller shall transfer the sum of five million dollars from the State Transportation Building Management Fund to the General Fund.

SECTION 17. The department of environmental quality engineering and other state agencies, authorities, or other public entities may enter into agreements whereby said department may receive and expend capital or operating funds from such agencies, authorities, or other public entities to support the department's costs for staff, consulting assistance; supplies; equipment and other necessary expenses associated with reviewing and acting on permits, certifications, licenses or other approvals for public projects of unusually large or complex size or scope as determined by the commissioner of the said department. Such agreements shall contain measures adequate to ensure that the procedural and substantive requirements of the department applicable to such projects shall not in any manner be affected by virtue of the agreement, a plan for the expenditure of the funds, and provisions satisfactory to the secretary of administration for chargebacks or other mechanisms of accounting for such costs and such monies as may be expended by the department. All monies not expended by the department under any such agreement at the termination of the agreement shall be credited to the account of the agency, authority, or other public entity from which they were received. The department may receive and expend such funds, not to exceed one million five hundred thousand dollars, for staff, consulting assistance, supplies, equipment and other necessary expenses without further appropriation in accordance with such agreements and laws pertaining to the department's expenditure of funds.

SECTION 18. Notwithstanding any provision of law to the contrary, the amount owed to the commonwealth by the Massachusetts Technology Development Corporation in reimbursement of amounts appropriated for the expenses of said corporation in the nineteen hundred and eighty-eight fiscal year and in previous fiscal years shall not exceed, in the aggregate,

the sum of seven hundred and fifty thousand dollars, and payment of said amount to the commonwealth by said corporation shall extinguish any and all liabilities of said corporation to the commonwealth on account of amounts appropriated for the expenses of the corporation in said fiscal year.

SECTION 19. Notwithstanding the provisions of section seventeen of chapter six A or sections nine I to nine N inclusive of chapter twenty-three of the General Laws or any other special or general law to the contrary, there shall be in the executive office of economic affairs a department of employment and training, hereinafter called the department, which shall be under the direction and control of the commissioner of employment and training, hereinafter called the commissioner.

All officers and employees of the division of employment security who immediately prior to the effective date of this act held positions classified under chapter thirty-one of the General Laws, or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, shall continue to be employees of the department of employment and training without impairment of civil service status, seniority, retirement and other employment rights, and without interruption of service within the meaning of said chapter thirty-one, or said section A, and without reduction in compensation and salary grade. All officers and employees of said division, members of the advisory council and members of the board of review who immediately prior to said effective date do not hold positions classified under said chapter thirty-one, or do not have tenure in their positions by reason of said section nine A, shall continue to be employed in the department of employment and training under this act without impairment of statutory term of office, seniority, retirement and other rights, and without interruption of service within the meaning of said section nine A, and said chapter thirty-one, and without reduction in compensation and salary grade.

All books, papers, records and documents in the custody of or maintained for the use of the division of employment security are hereby transferred to the custody of the department of employment and training. All petitions, applications, hearings and other proceedings duly pending before and all prosecutions and legal and other proceedings duly begun by or against said division or before or by any member, officer or employee thereof, shall continue unabated and remain in full force and effect notwithstanding passage of this act, and may be completed before or by the department of employment and training. All duly existing contracts, leases and obligations of the division of employment security shall be performed by the department of employment and training or by an administrative unit, officer or employee thereof acting under authority of law. All rules and regulations adopted by the division of employment security shall remain in effect as rules and regulations of the department of employment and training until amended or repealed by

said department.

When used in any statute, ordinance, by-law, legal decision, rule or regulation, the term "division of employment security" or any words connoting the same shall mean department of employment and training and the term "director of the division of employment security" or any words connoting the same shall mean commissioner of the department of employment and training.

SECTION 20. Notwithstanding the provisions of any other law to the contrary, the fiscal year nineteen hundred and eighty-seven costs of salary adjustments authorized by section two, chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-seven may be allowed and paid from amounts appropriated for the fiscal year nineteen hundred and eighty-eight salaries and expenses of the offices of the district attorneys.

SECTION 21. Notwithstanding the provisions of any law to the contrary, the Office for Children is hereby authorized to establish a demonstration project to assess the need for, and the efficiency of, providing child care through group day care homes. Said project shall consist of, at a minimum twenty-five homes with at least seven children and no more than twelve children. In all homes having more than seven children, at least two persons shall be assigned to care for the children.

The Office for Children shall determine the method of conducting said project, including the length of time the project shall run, provided, however, that said Office shall report to the House and Senate Committees on Ways and Means, and the joint Committee on Human Services and Elderly Affairs by filing its reports on or before December thirty-first, nineteen hundred and ninety. Said report shall describe the project, evaluate same, and make a specific recommendation whether such method of caring should be included as a licensable method of caring for children, and make any recommendation for legislation it deems necessary to carry such plan into effect together with drafts thereof.

This section shall take effect upon the vote of the local legislative body.

SECTION 22. For the purpose of accommodating delayed receipt of revenues authorized to be retained in the following items, funds may be transferred, from the items specified in said retained revenue items, during the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, for the purposes of said retained revenue items in amounts not to exceed the amounts specified below; provided that amounts so transferred shall be returned, to the item from which said transfers were made, from retained revenues, otherwise authorized to be credited to the following items, no later than January first, nineteen hundred and eighty-nine.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Group Insurance Commission.

Item

1108-5300 From item 1108-5200 in an amount not to exceed $1,300,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2120-0810 From item 2120-0300 in an amount not to exceed $200,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Department of Correction.

4311-0007 From item 4311-0005 in an amount not to exceed $524,655
4311-7001 From item 4311-0010 in an amount not to exceed $115,000

SECTION 23. Notwithstanding the provisions of any general or special law to the contrary, Southwood Community Hospital shall be exempt from any negative revenue compliance, including non-Medicare gross inpatient service revenue compliance, for all fiscal years prior to the fiscal year beginning October first, nineteen hundred and eighty-seven; and revenue compliance, volume rebasing, and other volume calculations for fiscal year nineteen hundred and eighty-five onward will be calculated for Major Diagnostic Category (M.D.C.) #19 and #20 using the Medicare case mix weights for fiscal year nineteen hundred and eighty-eight and Grouper five of the Health Care Financing Agency; and the total patient care cost for fiscal year nineteen hundred and eighty-seven shall be increased by a one million dollar exception prior to future year calculations; provided that there will be no revenue carry forwards from fiscal year nineteen hundred and eighty-eight.

SECTION 24. During the fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine, notwithstanding the provisions of any general or special law to the contrary, payments for the fiscal years' nineteen hundred and eighty-eight and prior year fiscal costs 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 salary adjustments made pursuant to chapter seventy-one of the acts of nineteen hundred and eighty-seven, 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 hundred and fifty E of the General Laws may, at the discretion of the commissioner of ad-

ministration, be charged to items of appropriation for the fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine.

SECTION 25. There is hereby established a special commission, to consist of three members of the senate, one of whom shall be a member of the minority, three members of the house of representatives, one of whom shall be a member of the minority, the secretary of economic affairs, the executive director of the division of employment and training, a representative from the international coordinating council, and four persons with experience in international commerce and trade to be appointed by the governor, at least two of whom shall be representatives of private business, including one each to represent an emerging and mature industry, for the purpose of conducting an investigation and study of foreign investment in the commonwealth.

Said commission shall consider (1) the trends in foreign investment and trade in Massachusetts; (2) the impact of foreign investment and trade upon Massachusetts; (3) the role, if any, which the state should play in encouraging, influencing or focusing such foreign investment and trade, and (4) a strategic long-run foreign investment and trade policy which would coordinate existing state agencies and private and public players.

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 November first, nineteen hundred and eighty-nine.

SECTION 26. There is hereby established a special commission, to consist of three members of the senate, one of whom shall be a member of the minority, three members of the house of representatives, one of whom shall be a member of the minority, the commissioner of education, the chancellor of the board of regents, and five members of the public with experience in global education to be appointed by the governor, at least two of which shall be representatives of public education, including kindergarten through twelfth grade and higher education, for the purpose of conducting a study and investigation of the incorporation of global perspectives into public education through teacher training.

Said commission may seek, accept and expend any grants or gifts of money, professional services, consultant services, clerical or 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 October first,

nineteen hundred and eighty-nine.

SECTION 27. All monies from item 0181-5002, which would otherwise revert as of June thirtieth, nineteen hundred and eighty-eight, shall hereby be transferred to item 0116-0030.

SECTION 28. The Massachusetts Criminal Justice Training Council is hereby authorized to charge private persons, companies, associations, or corporations for the cost of training, pursuant to a fee schedule determined by the commissioner of administration. Said council is further authorized to retain fifty per cent of the amount accrued as a result of said charges; provided, however, that the council shall not retain more than two hundred thousand dollars in any fiscal year.

SECTION 29. Notwithstanding any general or special law to the contrary, any study and preparation of plans for a new boiler at the University of Massachusetts, Amherst, shall include fossil fuel and wood chip cogeneration facilities if determined appropriate.

SECTION 30. There is hereby created a special commission to study and investigate the impact of escheatage of unclaimed bottle deposits on independent bottlers.

Said commission shall be chaired by the secretary of economic affairs or designee. Said commission shall also consist of a representative each from the executive office of administration and finance, the department of revenue, the alcohol beverage control commission, and a representative of the environmental community and three representatives of independent bottlers appointed by the governor.

Said commission shall study and investigate (a) the effect of said escheatage of unclaimed bottle deposits on the profitability and economic viability of independent bottlers, and (b) the differential effect of escheatage on independent bottlers and national companies.

Said commission shall report the results of its study, including legislative recommendations, if any, to the house and senate committees on ways and means by December fifteenth, nineteen hundred and eighty-eight.

SECTION 31. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and eighty-nine, is hereby amended by striking out item 6005-0015 and inserting in place thereof the following item:-

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 dis-

abled 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-eight and ending June thirtieth, nineteen hundred and eighty-nine, 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-eight shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities $18,753,379

General Fund	80.0%
Highway Fund	20.0%

SECTION 32. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and eighty-nine, is hereby amended by striking out item 6005-0018 and inserting in place thereof the following item 6005-0018:

6005-0018 For additional contract assistance to be allocated by the Massachusetts Bay Transportation Authority for the net additional expense of commuter rail service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts Bay Transportation Authority for calendar year nineteen hundred and eighty-eight, including funds for the net additional expenses of bus services provided to and on behalf of the regional transit authorities, cities and towns outside the Massachusetts Bay Transportation Authority for fiscal year nineteen hundred and eighty-nine, in amounts determined to be appropriate by the executive office for administration and finance, acting on behalf of the commonwealth, on the recommendation of the secretary of the executive office of transportation and con-

struction, 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	$12,100,000
General Fund	80.0%
Highway Fund	20.0%

SECTION 33. Section 65 of chapter 6A 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 acute care hospital shall pay to the commonwealth an amount for the estimated expenses of the commission. Such amount shall be equal to seventy-five thousandths of one per cent of the gross patient service revenues of such hospital approved under this chapter; provided, however, that the total amount of such assessment shall not be less than such estimated expenses. If the application of such percentage to each hospital's gross patient service revenues produces an amount less than such estimated expenses, such assessments shall be increased for each acute hospital by multiplying the ratio of the hospital's gross patient service revenue to the total of all such hospitals' gross patient service revenues times the amount by which such total assessments are less than such estimated expenses. On October first of each year, each such hospital shall make a preliminary payment to the commission of an amount equal to one-half of the previous year's total assessment, including adjustments if any. Thereafter, such hospital shall pay, within thirty days after notice from the commission, an amount equal to the total assessment for the current year based on its most recently approved gross patient service revenue, less the amount already paid on October first. The commission shall subsequently adjust this assessment for any variation between the estimated and actual costs. Such estimated and actual costs shall include an amount equal to the cost of fringe benefits as established by the commissioner of administration pursuant to section six B of chapter twenty-nine. In the event of late payment by any such hospital, the treasurer shall advance the amount of due and unpaid funds to the commission prior to the receipt of such monies in anticipation of such revenues up to the amount authorized in the then current budget attributable to such assessments, and the commission shall reimburse the treasurer for such advances upon receipt of such revenues. The provisions of this paragraph shall not apply to any state institution or to any acute hospital which is operated by a city or town.

SECTION 34. The second paragraph of paragraph (c) of section 80 of chapter 6A of the General Laws, as appearing in section 20 of chapter 23 of the acts of 1988, is hereby amended by inserting after the word

"Cottage", in line 1, the word:- Fairview.

SECTION 35. Subparagraph (v) of paragraph (f) of said section 80 of said chapter 6A, as so appearing, is hereby amended by inserting after the word "Cottage", in lines 1 and 2, the word:- Fairview.

SECTION 36. The second paragraph of paragraph (c) of section 81 of said chapter 6A, as so appearing, is hereby amended by inserting after the word "Cottage", in line 1, the word:- Fairview.

SECTION 37. Section 85 of chapter 6A is hereby amended by adding the following paragraph:-

The commission shall provide a rate adjustment process whereby home health agencies payment rates as established by the commission for fiscal year nineteen hundred and eighty-nine and thereafter are adjusted to provide reimbursement for wage increases for nurses, home health aides and other service delivery personnel, which increases shall be approximately commensurate with the increases which the commission estimates have been or will be experienced by Massachusetts hospital industry during the comparable time period; provided, however, that no home health agency shall receive such an adjustment if, with respect to its expenditures for service delivery personnel, it is treated as part of a hospital for purposes of the hospital payment provisions of this chapter.

SECTION 38. Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 51. There shall be established upon the books of the commonwealth a separate fund, to be known as the Drug Analysis Fund, which shall be subject to appropriation. Said fund shall consist of all revenues received by the courts under the provisions of sections six B and six C of chapter two hundred and eighty and any other monies credited or transferred to the Drug Analysis 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 the safety of the fund.

SECTION 39. Chapter 29 of the General Laws is hereby amended by inserting after section 9F the following section:-

Section 9G. Sums made available by appropriation or otherwise to offices, departments or undertakings for studies, plans, designs, construction, acquisition, purchase or repair of capital facilities, of highway improvement facilities, such as a highway, bridge or tunnel, and of transportation improvement facilities, such as a mass transportation or other public transit facility, shall be expended only in such amount as may be authorized for obligation or expenditure from time to time by the governor, the commissioner of administration when designated for such

purpose by the governor or said commissioner's approved designee. The officer in charge of each office, department or undertaking shall submit to the said commissioner, in such form and at such times as he shall prescribe, such information as may be required by the governor or him for making such authorizations; provided that before any such information relating to an office, department or undertaking within any of the executive offices established by chapter six A of the General Laws has been so submitted, it shall first be submitted to the secretary having charge of such executive office, who shall review the same and make such additions thereto, deletions therefrom and modifications therein as he deems appropriate.

The commissioner of administration is hereby authorized and directed to issue directives governing expenditure from bond authorizations; such directives shall include, but not be limited to, the following:
(1) such measures as determined by said commissioner to be necessary to regulate the rate of expenditure from any or all bond authorizations, and
(2) such measures as determined by said secretary to be necessary to ensure compliance with such directives, including requiring prior written approval of said commissioner before the award of contract or grants.

SECTION 40. Section 14 of chapter 29 of the General Laws, as appearing in the Official Edition, is hereby amended by inserting before the word "Appropriations", in line 1, the following:- (a),- and adding the following paragraph:-

(b) Notwithstanding the provisions of paragraph (a), the comptroller is authorized to create restricted spending accounts for the management of encumbrances in expiring accounts funded by bonds and notes; to transfer encumbered funds from said expiring accounts into said restricted accounts; and to expend said funds following the receipt of duly authorized and properly completed payment vouchers; provided that nothing in this subsection shall authorize the encumbrance or expenditure of uncommitted funds in said expiring appropriations accounts.

SECTION 41. Subsection (f) of section 6 of chapter 62 of the General Laws, added by section 28 of said chapter 23, is hereby amended by striking out the second, third and fourth paragraphs and inserting in place thereof the following three paragraphs:-

Any business which (a) has one or more full-time equivalent employees unrelated to its owners or partners but no more than fifty of such employees calculated on an average annual basis, (b) in any period of three consecutive years beginning after December thirty-first, nineteen hundred and eighty-four and before April twenty-first, nineteen hundred and eighty-eight makes no expenditure for the full or partial payment of premiums for a health insurance plan covering any of its then employees, and (c) makes qualifying health insurance premium expenditures for a health insurance plan covering its employees in each year beginning after such three year period, including any year in which a credit is taken pursuant to this section, shall be allowed a credit against its income tax

due under this chapter in two consecutive tax years.

The amount of such credit in the first tax year in which it is taken shall be twenty per cent of the entire amount of the qualifying health insurance premium expenditure made by such business in such tax year. The amount of such credit in the second tax year in which it is taken shall be ten per cent of the entire amount of such qualifying health insurance premium expenditure made by such business in such tax year. To qualify for such credits, the health insurance premium expenditure of such business must equal at least fifty per cent of the total cost of the premiums for such health insurance plan and such health insurance plan must be available at least to all of the full-time employees of such business. For the purposes of this section, "unrelated" shall mean not having the familial relationship of spouse, mother, father, or child.

Credits pursuant to this subsection shall be available only in tax years beginning on or after January first, nineteen hundred and ninety and ending on or before December thirty-first, nineteen hundred and ninety-two. This subsection shall expire on December thirty-first, nineteen hundred and ninety-two.

SECTION 42. Section thirty-one E of chapter sixty-three of the General Laws, inserted by section twenty-nine of said chapter twenty-three is hereby repealed.

SECTION 43. Chapter 63 of the General Laws is hereby amended by inserting after section 31F, inserted by chapter 736 of the acts of 1987, the following section:-

Section 31G. There is hereby established a credit for corporations offering health insurance to their employees. Any corporation which (a) has one or more full-time equivalent employees unrelated to its shareholders but no more than fifty of such employees calculated on an average annual basis, (b) in any period of three consecutive years beginning after December thirty-first, nineteen hundred and eighty-four and before April twenty-first, nineteen hundred and eighty-eight makes no expenditure for the full or partial payment of premiums for a health insurance plan covering any of its then employees, and (c) makes qualifying health insurance premium expenditure for a health insurance plan covering its employees in each year beginning after said three-year period, including any year in which a credit is taken pursuant to this section, shall be allowed a credit against its excise due under this chapter in two consecutive tax years.

The amount of such credit in the first tax year in which it is taken shall be twenty per cent of the entire amount of the qualifying health insurance premium expenditure made by such corporation in such tax year. The amount of such credit in the second tax year in which it is taken shall be ten per cent of the amount of such qualifying health insurance premium expenditure made by such corporation in such tax year. To qualify for such credits, the health insurance premium expenditure of such corporation must equal at least fifty per cent of the

total cost of the premiums for such health insurance plan and such health insurance plan shall be available at least to all of its full-time employees. For the purposes of this section, "unrelated" shall mean not having the familial relationship of spouse, mother, father or child.

Credits pursuant to this section shall be available only in tax years beginning on or after January first, nineteen hundred and ninety and ending on or before December thirty-first, nineteen hundred and ninety-two. This section shall expire on December thirty-first, nineteen hundred and ninety-two.

SECTION 44. The third paragraph of section 51 of chapter 111 of the General Laws, inserted by section 38 of chapter 23 of the acts of 1988, is hereby amended by adding the following sentence:- Notwithstanding the foregoing, the department may permit a hospital to increase its licensed bed capacity by the number of beds for which such hospital qualifies according to a determination of need by the department pursuant to sections twenty-five B to twenty-five G, inclusive.

SECTION 45. Paragraph (4) of section 19 of chapter 118F of the General Laws, as appearing in section 45 of said chapter 23, is hereby amended by striking out clause (c).

SECTION 46. Paragraph (6) of said section 19 of said chapter 118F, as so appearing, is hereby amended by adding the following sentence:- The tax credit for businesses beginning health insurance coverage for their employees as authorized in subsection (f) of section six of chapter sixty-two and in section thirty-one G of chapter sixty-three shall become effective for tax years beginning on or after January first, nineteen hundred and ninety.

SECTION 47. Section 8 of chapter 128A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second paragraph.

SECTION 48. Subsection (4) of section 65 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking paragraph (a) and inserting in place thereof the following paragraph:-

(a) The sum of the following two amounts shall be known as the special fund budget: (i) the total amount of funds appropriated each year to pay the operating expenses of the department pursuant to subsection (1); and, (ii) the total amount of funds estimated to be expended from the General Fund in the fiscal year for indirect and fringe benefit costs attributable to compensation of state personnel of the department, as determined by the commissioner of administration, who shall reduce, or increase, his estimate by the actual amount of such indirect and fringe benefit costs over-assessed, or under-assessed, by the department in the prior fiscal year.

SECTION 49. Subsection (6) of said section 65 of said chapter 152, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 131, the words:- ; provided, however, that revenues received from assessments on account of indirect and fringe benefit costs determined pursuant to clause (ii) of paragraph (a) of subsection (4), and any interest thereon, shall be credited to the General Fund.

SECTION 50. Said subsection (6) of said section 65 of said chapter 152, as so appearing, is hereby further amended by inserting after the third sentence the following sentence:- For the purposes of determining the proportional shares of amounts to be deposited in the special fund and trust fund, the special fund budget and the total budget shall be reduced by the amount of said indirect and fringe benefit costs.

SECTION 51. Chapter 280 of the General Laws is hereby amended by inserting after section 6A the following two sections:-

Section 6B. The court shall impose an assessment of thirty-five dollars against any person who has attained the age of seventeen years and who is convicted of a misdemeanor or against whom a finding of sufficient facts for a conviction is made on a complaint charging a misdemeanor under sections thirty-two, thirty-two D, and thirty-two G of chapter ninety-four C. The court shall impose an assessment of one hundred and fifty dollars against any person who is convicted of a felony or against whom a finding of sufficient facts for a conviction is made on a complaint charging a felony under sections thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two E, thirty-two F, thirty-two G, thirty-four and thirty-five of chapter ninety-four C. When multiple criminal offenses arising from a single incident are charged, the total assessment shall not exceed one hundred and fifty dollars. In the discretion of the court, any assessment imposed pursuant to this section which would cause the person against whom the assessment is be reduced or waived.

All such assessments made shall be collected by the court and shall be transmitted monthly to the state treasurer. The assessment from any conviction which is subsequently overturned on appeal shall be refunded by the court to the person whose conviction is overturned. Said court shall deduct such funds from the assessments transmitted to the state treasurer. Assessments pursuant to this section shall be in addition to any other fines or restitution imposed in any disposition.

Section 6C. Any assessment imposed pursuant to section six B shall be deposited in the Drug Analysis Fund established by section fifty-one of chapter ten. The proceeds of the fund shall be made available, subject to appropriation, to the department of public health for services provided to analyse samples used in the prosecution of controlled substances.

SECTION 52. The first sentence of section 4 of chapter 487 of the acts of 1980, as amended by section 73 of chapter 15 of the acts of 1988 is hereby further amended by inserting after the word "dollars", in line 6,

the words:- ; provided, however, that not more than one million dollars shall be allocated for additional parking facilities at the Pear/Elm garage in the city of Worcester.

SECTION 52A. Section 20 of chapter 811 of the acts of 1985 is hereby amended by striking out, in line 1, the word "General" and inserting in place thereof the word:- Highway.

SECTION 53. Item 3722-9104 of section 2 of chapter 206 of the acts of 1986, inserted by section 1 of chapter 56 of the acts of 1987, is hereby amended by striking out in lines 17 and 18 the word "eighty-eight" and inserting in place thereof the word:- eighty-nine,- and by striking out the figure "$1,750,000" and inserting in place thereof the figure:- $543,976.

SECTION 54. Chapter 54 of the acts of 1987 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The city of Lowell is hereby authorized to spend all funds previously allocated pursuant to chapter fifty-four of the acts of nineteen hundred and eighty-seven as partial payment of funds to be allocated pursuant to chapter fifty-six of the acts of nineteen hundred and eighty-seven. Said funds are to be allocated by the city manager, as he deems necessary, in order to alleviate the financial burden imposed on the city of Lowell by a fire on March twenty-third, twenty-fourth, and twenty-fifth, nineteen hundred and eighty-seven.

SECTION 55. The preamble to item 4402-5020 of section 2 of chapter 199 of the acts of 1987 is hereby amended by striking out, in line 20, the words "these items of appropriation" and inserting in place thereof the words:- items of appropriation 4402-5020 to 4402-5300.

SECTION 55A. Section 97 of said chapter 199 is hereby amended by striking out, in lines 6 to 8, inclusive, the words ", 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".

SECTION 55B. Section 2A of chapter 303 of the acts of 1987 is hereby amended by inserting after item 1102-9792 the following item:- 1102-9801.

SECTION 56. Section 4 of chapter 1 of the acts of 1988 is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Said panel shall file an interim report with the governor and with the committees on ways and means of the house of representatives and the

senate, the joint committee on human services and elderly affairs and the joint committee on criminal justice, on the results of its review of each such matter, on or before September first, nineteen hundred and eighty-eight. Said report shall identify any budgetary, administrative or capital resources or statutory changes necessary to implement its recommendations. The governor shall file if he deems necessary a special legislative message requesting any amendments to the commonwealth's fiscal year nineteen hundred and ninety appropriation based upon review of said report. The final report of said panel shall be filed with the governor and with the above named committees no later than December first, nineteen hundred and eighty-eight.

SECTION 57. Clause (b) of section 3 of chapter 15 of the acts of 1988 is hereby amended by inserting after the word "District", in line 9, the words:- ; provided, further, that not more than five hundred thousand dollars shall be allocated to provide streetscape improvements in public areas surrounding the Urban Village, so called, in the city of Worcester.

SECTION 58. Section 92 of chapter 23 of the acts of 1988 is hereby amended by striking out, in line 2, the word ", thirteen".

SECTION 59. Said section 92 of said chapter 23 is hereby further amended by striking out the sixth sentence.

SECTION 60. Said section 92 of said chapter 23 is hereby further amended by adding the following sentence:- Section thirteen of this act shall take effect as of October first, nineteen hundred and eighty-nine.

SECTION 61. This act shall take effect as of June thirtieth, nineteen hundred and eighty-eight.

Approved July 27, 1988.

Chapter 237. AN ACT EXEMPTING THE POSITION OF HIGHWAY SUPERINTENDENT IN THE TOWN OF NORTH ATTLEBOROUGH FROM THE PROVISIONS OF CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

The position of highway superintendent in the town of North Attleborough shall be exempt from the provisions of chapter thirty-one of the General Laws.

Approved August 2, 1988.

Chapter 238. AN ACT PROVIDING A CHARTER FOR HAMPSHIRE COUNTY.

Be it enacted, etc., as follows:

SECTION 1.

ARTICLE 1.

INCORPORATION AND POWERS

Section 1.1 Incorporation The inhabitants of the county of Hampshire, within the territorial limits established by law, shall continue to be a body corporate and politic under the name county of Hampshire.

Section 1.2 Name, Boundaries and Powers The county of Hampshire, as its limits now are, or hereafter may be, shall be a body politic and corporate by the name of county of Hampshire with all the rights granted by this charter and by general or special laws.

The county is responsible for the exercise within its boundaries of all powers vested in and the performance of all duties imposed upon counties and county officers by law. In addition, the county may exercise all powers specifically conferred by this charter or incidental to powers specifically conferred by this charter and all other powers which the Constitution and laws of the commonwealth now or hereafter grant to counties to exercise.

All powers shall be exercised and enforced in the manner described by this charter, or, when not prescribed herein, in such manner as may be provided by ordinance or resolution of the county commissioners, and, when not prescribed by this charter or amendments thereto or by ordinance or resolution, including the county administrative code, then such powers shall be exercised in the manner prescribed by the General Laws.

Section 1.3 Powers Limited This charter does not empower the county to exercise exclusively any municipal powers nor to provide for the succession by the county to any property or obligation of any municipality without the consent of the legislative authority of such municipality. In case of conflict between the exercise of powers granted by this charter and the exercise of powers by municipalities granted by the Constitution of the Commonwealth or the General Laws, the exercise of powers by the municipality shall prevail. The county shall have power to levy only those taxes that counties are authorized by vote of the general court to levy.

Section 1.4 Short Title This instrument shall be known as the Hampshire county charter.

Section 1.5 Division of Powers The legislative powers of the county shall be exercised by an elected board of county commissioners. Certain executive powers shall be exercised by the county administrator while others shall either be exercised by the county administrator with the consent of the county commissioners, or by the county administrator with the executive committee of the county commissioners by consent of the county commissioners.

Section 1.6 Powers of the County; Intent of the Voters Subject only to the express limitations on the exercise of any power or function by a county in the Constitution or laws of the commonwealth, it is the intent and the purpose of the voters of Hampshire county to secure through the adoption of this charter all of the powers it is possible to secure for the county government under the Constitution and laws of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1.7 Interpretation of Powers The specific mention of any particular power granted to the county by this charter is not intended to limit the general powers of the county as stated in section 1.6.

Section 1.8 Intergovernmental Relations Subject to the applicable requirements of any provision of the Constitution or laws of the commonwealth, the county of Hampshire may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or agency thereof.

ARTICLE 2

LEGISLATIVE BODY

Section 2.1 Composition, Election, and Terms of Office The legislative power of the county shall be vested in a board of county commissioners.

The board of commissioners shall be composed of members chosen at municipal general elections for terms of two years. Commissioners shall be residents and registered voters of the municipalities from which they are elected, and shall qualify for the ballot in towns in the same manner as candidates for the board of selectmen and in cities in the same manner as at large candidates for the city council. No person shall be a commissioner and at the same time an employee of the county.

There shall be at least one commissioner elected from each municipality. However, any municipality whose population comprises more than ten per cent of the population of the county as determined by the most recent state or federal decennial census shall elect one commissioner for each ten per cent or portion thereof.

Section 2.2 Organization, Rules and Procedures The county commissioners shall annually elect from their membership a chairman, vice chairman, and three other members, no more than one of whom shall be from any single municipality, to serve as an executive committee of the board. The commissioners shall choose a moderator who shall not be a member of the executive committee to preside over their meetings, and may, from time to time, constitute such other committees as they deem appropriate.

The county commissioners shall meet at least once monthly, shall on all questions cast votes weighted by the population of the municipalities they represent with the weighted voted of a municipality with more than one commissioner being divided equally among its commissioners and, upon the request of commissioners representing one fifth of the weighted votes present, shall require that the yeas and nays of commissioners be recorded on any question. The number of commissioners sufficient to cast a majority of weighted votes shall constitute a quorum to do business.

The county commissioners shall determine the rules of their proceedings and shall publish and make available those rules. Said commissioners shall keep a record of their proceedings and those of their executive committee and any other committee, and shall make those records available to the public during normal business hours.

The executive committee shall meet at least twice monthly and shall report to the board of county commissioners at least once monthly. They shall oversee the carrying out of policies voted by the county commissioners and the duties of the county administrator, and shall perform such other duties as the county commissioners shall by a majority weighted vote assign to them. The executive committee shall vote by person, not by weighted vote, and a majority of its members shall constitute a quorum to do business.

Section 2.3 Compensation Commissioners shall receive one hundred dollars quarterly, and members of the executive committee shall receive an additional four hundred dollars salary quarterly. An increase in the amount of salary or expenses of commissioners not to exceed two and one-half per cent per annum may be provided for by a roll call vote of the county commissioners; provided, however, that no increase so voted shall take effect until the beginning of the next fiscal year.

Section 2.4 Powers and Duties The county commissioners shall appoint a county administrator, fix annually the administrator's salary and benefits, and annually evaluate in public session the administrator's job performance. They shall conduct hearings on, and approve by a majority of the weighted votes prior to the first of May of every year, an annual budget for the county. Their consent shall be required to confirm any appointments by the county administrator to the offices of county treasurer, county attorney, county personnel board, county regional housing authority, county hospital administrator, Hampshire community

action commission and Mount Tom citizens advisory committee.

The county commissioners shall approve the acquisition, disposition and management of real property; the declaration of emergencies; the entering into, conduct and termination of litigation; the establishment of county personnel policies and administrative procedures; collective bargaining agreements; the designation of newspapers for required notices and advertisements; and such other matters as the county commissioners may deem appropriate.

Section 2.5 Vacancies Vacancies in or failure to elect to the office of county commissioner shall be filled within thirty days by appointment in towns by the board of selectmen and in cities by the mayor with the approval of the city council.

ARTICLE 3

COUNTY ADMINISTRATOR

Section 3.1 Qualifications and Appointment, Term of Office The county commissioners shall appoint a county administrator from a list prepared by a screening committee pursuant to the administrative code. The administrator shall be appointed solely on the basis of executive and administrative qualifications. Appointment shall be by a two-thirds weighted vote of the county commissioners. The administrator shall not be subject to the consolidated personnel policy of the county, but shall enter into a written contract with the county. Approval of a contract and any amendments or revisions thereof are subject to a majority weighted vote of the commissioners.

The administrator shall be a person qualified by education, training and experience in public administration to perform the duties of the office. The administrator need not be a resident of Hampshire county at the time of appointment, but must establish residence in the county within twelve months following such appointment.

The administrator shall not have served in an elective office in the county government for at least six months prior to appointment. Upon appointment the administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term, unless such action is approved in writing by the commissioners.

Section 3.2 Compensation The administrator shall receive a salary within the amount appropriated by the county. Yearly salary adjustments shall be automatically incorporated into the contract after an annual review by the commissioners.

Section 3.3 Powers and Duties The county administrator shall be the chief administrative officer for the county. The administrator shall be directly responsible to the commissioners for the administration of all

county affairs placed in the administrator's charge by or under this charter with the following powers and duties:

(a) to supervise and direct the administration of all departments, agencies and offices for whose function the administrator is responsible;

(b) appoint subject to provisions of collective bargaining agreements and except as otherwise authorized by the Charter, all department heads, officers, members of boards and commissions and employees which shall be effective upon acceptance by the Commissioners, or upon the thirtieth upon acceptance by the Commissioners, or upon the thirtieth day following the day on which notice of the appointment is filed with the Commissioners whichever first occurs, unless the Commissioners shall within that period by a majority weighted vote of all members vote to reject such appointment.

(c) to fix the compensation of all county officers and employees appointed within the limits established by existing appropriations and personnel policy as set forth in the administrative code;

(d) to attend all regular meetings of the county commissioners and their executive committee unless excused and shall have a voice, but no vote, in all their deliberations;

(e) to keep full and complete records of the office, and render as often as may be required by the county commissioners, but not less than once each year, a full report of all operations during the period reported on, which report shall be made available to the public;

(f) to prepare and submit an annual operating budget and capital improvements budget for the county;

(g) to keep the county commissioners fully advised as to the needs of the county, and recommend for adoption by the county such measures requiring action by them or by the other governmental bodies as may be deemed necessary or expedient;

(h) to supervise the rental and use of all county property, except as otherwise determined by state law, and be responsible for the maintenance and repair of all county buildings and facilities placed under the administrator's control by this charter or vote of the county commissioners;

(i) to keep a full and complete inventory of all property of the county both real and personal;

(j) to negotiate contracts involving any subject within the administrator's supervision; such contracts may be subject to final approval and execution by the county commissioners;

(k) to purchase all supplies, material and equipment for all departments and activities of the county;

(l) to enforce the provisions of the General Laws as they pertain to Hampshire county, votes of the commissioners and their committees, and the charter;

(m) to administer the personnel policy for Hampshire county employees which shall include, but not be limited to personnel policies and practices, rules and regulations including provisions for an annual employee performance review, and all collective bargaining agreements

for the county as set forth in this charter or the administrative code or by vote of the county commissioners; and, in conjunction with the personnel board, prepare, maintain and keep current a plan establishing the personnel staffing requirements of each county department;

(n) to inquire into the conduct of office of any officer or employee or department under the administrator's control;

(o) to perform any other associated duties required by the administrative code or the votes of the county commissioners;

(p) may authorize any subordinate officer or employee to exercise any power or duty which the administrator is authorized to perform; provided, however, that all acts which are performed under any such delegation shall be deemed to be the administrator's acts.

Section 3.4 Acting County Administrator The county administrator shall, by letter filed with the commissioners, designate a qualified county officer or employee to exercise the powers of the office during a temporary absence. During this time the commissioners may not revoke such designation until at least ten working days have elapsed, whereupon they may designate another qualified county officer or employee to serve as acting administrator until the county administrator shall return and resume work.

Any vacancy in the office of county administrator shall be filled as soon as possible by the commissioners. During the interim they shall appoint a suitable person as acting county administrator to perform the duties of the office. Such appointment may not exceed three months, but one additional renewal may be granted by the commissioners not to exceed a second three months.

The powers of an acting county administrator shall include authority to make temporary, emergency appointments or designations to county office or employment, but no appointments or designations of a permanent nature.

Section 3.5 Annual Review of Performance; Removal and Suspension The county administrator shall be subject to an annual review of job performance for the purposes of fostering communication and goal setting by the commissioners and administrator, assessing strengths and weaknesses of the administrator and departments under the administrator's jurisdiction, and as a basis for awarding salary adjustments.

The review shall take place sometime within the period of January first to February fifteenth of each year. The commissioners shall have a list of performance criteria as pertains to the duties of the office and job qualifications. A written report shall be filed by the commissioners after the review, to be kept in the administrator's personnel file for future reference. The review process shall be subject to all applicable laws and the county administrative code.

The county commissioners shall make a salary determination for the next fiscal year based on the results of the review.

The county commissioners, by two-thirds of the total weighted vote

may terminate the county administrator from his office in accordance with the following procedure:

(a) during probationary period: notice in writing of termination;

(b) after probationary period: the county administrator shall not be dismissed except for good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, the administrator shall have been notified of such intended vote; nor unless, if the administrator so requests in writing, shall have been furnished by the county commissioners with a written statement of the charge or charges or the cause or causes for which the dismissal is proposed; nor unless, if the administrator, if he so requests in writing, has been given a hearing before the commissioners which may be either public or private at the option of the administrator, and at which the administrator may be represented by counsel, present evidence, and call witnesses to testify in the administrators' behalf;

(c) anything contained in this provision to the contrary notwithstanding, the non-renewal of the contract of the county administrator shall not be considered to be a dismissal and the provisions of clauses (a) and (b) shall not apply;

(d) the county administrator may be suspended from office by a procedure following the same steps outlined above for removal;

(e) the county administrator shall continue to receive that position's approved full salary until thirty days following the date a final vote on suspension or dismissal has become effective.

ARTICLE 4

FISCAL PROCEDURES

Section 4.1 Fiscal Year The fiscal year of the county shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 4.2 Submission of Proposed Budget Within the time fixed by the administrative code the county administrator shall submit to the county commissioners a proposed budget for the ensuing fiscal year, with an accompanying budget message and supporting documents. Within five days after receipt of the proposed budget, the chairman of the county commissioners shall transmit a copy of the budget to the chairmen of boards of selectmen in towns and the mayor and the president of the city council in cities.

Section 4.3 Budget Message and Proposed Budget The budget message and the accompanying proposed budget submitted by the county administrator shall explain the proposed budget for all county agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the county for the ensuing fiscal year; describe important features of the proposed budget; indicate any major

variations from the current budget in financial policies, expenditures, and revenues, together with the reasons for such changes; and summarize the county debt position; and it shall include such additional information as the county administrator deems desirable or the county commissioners may reasonably require.

Section 4.4 Action on the Proposed Budget The county commissioners shall forthwith, upon receipt of the proposed budget, provide for the publication in a local newspaper or newspapers of a notice stating the date, time and place, not fewer than ten nor more than twenty days following such publication, when a public hearing will be held by the county commissioners on the proposed budget.

The county commissioners, or a committee thereof, shall consider, in open public meetings, the detailed expenditures proposed by each county department or agency. The commissioners may require the county administrator, or any other county department or agency, to furnish such additional information as the commissioners may deem necessary to assist in their review of the proposed budget.

The executive committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the county commissioners acts on the proposed budget. The budget shall be adopted by a majority of the weighted voters prior to May first, of each year.

Section 4.5 Capital Improvement Program The county administrator shall submit a capital improvement program to the county commissioners at least thirty days prior to the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to, the following:

(a) a clear, concise, general summary of its contents;

(b) a listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure;

(c) cost estimates, methods of financing and recommended time schedules;

(d) the estimated annual cost of operating and maintaining any new facility or piece of major equipment involved.

The information in the capital improvement program shall be revised annually with regard to all items still pending, or in the process of being acquired, improved or constructed.

Section 4.6 Sources of Revenue Sources of revenue shall be determined by the county commissioners. These sources shall be listed in the administrative code and shall include local assessments, any monies received from the state and or federal government, user fees or fees for service and any other methods allowable by general or special laws.

ARTICLE 5
ADMINISTRATION ORGANIZATION

Section 5.1 Administrative Code There shall be an administrative code. This code shall include a table of organization of county departments and agencies, a list of duties and responsibilities for each department or agency, a list of standard administrative and budgetary procedures for all county departments or agencies, personnel policies and any other sections deemed appropriate.

The code shall be developed by the county administrator, who shall receive assistance in the development of the code in the manner provided by the county commissioners.

The code shall initially take effect six months from the date the county commissioners approve it. The code shall be amended, except as otherwise provided within this charter, in a manner specified within the code. The code shall be updated as necessary. A copy of the code and any changes to it shall be provided to every county department or agency and to every municipality within the county.

All county departments or agencies except those specifically excluded shall be subject to the county administrative code.

Section 5.2 Organization of County Agencies The county administrator may from time to time prepare and submit to the county commissioners plans of organization or reorganization which establish operating departments or agencies for the orderly, efficient or convenient conduct of the business of the county.

Whenever the county administrator submits such a plan to the county commissioners, the executive committee shall hold at least one public hearing on the proposed plan giving notice, in the same manner as provided in section 4.4. The Executive Committee shall then submit the proposal to the county commissioners with a report of the public hearing.

The county commissioners shall approve any plans to reorganize, consolidate or abolish any county department or agency in whole or in part or to establish a new county department or agency by a two-thirds weighted vote. Such changes shall become part of the administrative code.

ARTICLE 6

AMENDMENTS

Proposed amendments to this charter shall be submitted to the voters of the county by two-thirds of the weighted votes cast at a meeting of the county commissioners called for that purpose, or upon petition signed by a number of registered voters equal to at least five per cent of the number of residents of the county registered to vote in the preceding state election and submitted in conformity with the provisions of sections three and fourteen of chapter thirty-four A of the General Laws and such other laws as may be applicable.

ARTICLE 7

GENERAL PROVISIONS

Section 7.1 Definitions Unless the context clearly requires otherwise, the following words as used in the charter shall have the following meanings:

"Board of county commissioners", board of county commissioners, county commissioners and the commissioners are used interchangeably.

"Charter", this charter and any amendments to it which may hereafter be adopted.

"County", the county of Hampshire.

"County Department or Agency", any board, commission, committee, division, or office of the county of Hampshire.

"County official", when used without further qualifications or description, a person having charge of an office or department of the county who in the exercise of powers or duties exercises some portion of the sovereign power of the county.

"Emergency", a sudden, unexpected, unforeseen happening, occurrence, or condition which necessitates immediate action.

"Local newspaper", a newspaper or newspapers of general circulation in the county.

"Total weighted vote", a proportion of one hundred per cent of the weighted vote.

"Voters", persons who are registered to vote in the county of Hampshire.

"Weighted Vote", the vote of the commissioners present and voting in a meeting with a quorum.

Section 7.2 Specific Provisions Prevail To the extent that any specific pro- vision of the Charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

Section 7.3 Computation of Time In computing time under the charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

ARTICLE 8

TRANSITIONAL PROVISIONS

Section 8.1 Continuation of Government All committees, commissions, boards, departments and other agencies of the county shall continue to perform their duties until reappointed, or their duties have been transferred. The sheriff and registrar of deeds shall continue to be elected and their salaries and duties shall continue to be determined in the manner provided for in the General Laws.

The incumbent county treasurer elected in November, nineteen hundred and eighty-four will continue in office as an elected official until his term expires. He will thereafter be continued in office until retirement, death or removal for cause, serving at such salary and benefits as the county commissioners shall determine, but never less than that salary or benefit level as obtained at the time of the adoption of this charter.

Section 8.2 Continuation of Existing Laws All general laws, special laws, procedures, rules, and regulations of or pertaining to the county that are in force when this charter takes effect and not specifically or by clear implication repeated hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation. Sections four to five A, inclusive, and sections eight and nine of chapter thirty-four, and section twenty-eight B of chapter thirty-five of the General Laws shall, from the date of the adoption of this charter, be null and void as they apply to Hampshire county, having been succeeded by specific provisions of this charter.

Section 8.3 Continuation of Personnel Any person holding a county office or employment under the county shall retain such office or employment and shall continue to perform their duties until provision shall have been made in accordance with the charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the county shall forfeit their pay grade or time in service. Each such person shall be retained in a capacity as similar to their former capacity as is practical.

Section 8.4 Continuation of Contracts All leases, contracts, franchises and obligations entered into by the county or for its benefit prior to the effective date of this charter shall continue in full force and effect.

Section 8.5 Transfer of Records and Property All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another agency, shall be transferred forthwith to such assigned agency.

Section 8.6 Disposition of Special Laws Special Laws Specifically Retained: The following special laws are hereby recognized, confirmed and retain: Chapter four hundred and nineteen of the acts of nineteen hundred and seventy-six, chapter three hundred and seventy-nine of the acts of nineteen hundred and twenty, and chapter sixty B of the acts of nineteen hundred and sixty-one.

Section 8.7 Time of Taking Effect This charter shall become fully effective upon its approval by the voters, except as otherwise provided in this section.

Members of the Hampshire county financial advisory board shall be deemed to be the county commissioners representing their respective municipalities for all the purposes of this charter until the occurrence of the next municipal general election in each municipality at which time their seats shall be filled in accordance with the provisions of this charter.

Following adoption of this charter by the voters of the county, at the first election in towns that elect two or more commissioners, the seat of the commissioner receiving the lesser number of votes shall be vacated after one year.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used in Hampshire county at the biennial state election to be held in the year nineteen hundred and eighty-eight the following question:- "Shall an act passed by the general court in the year nineteen hundred and eighty-eight, entitled 'An Act providing a charter for Hampshire county', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative then this act shall take full effect, but not otherwise.

Approved August 2, 1988.

Chapter 239. AN ACT AUTHORIZING THE TOWN OF WENDELL TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND TO THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The town of Wendell, acting by and through its board of selectmen, is hereby authorized to convey to the commonwealth, to be used for conservation purposes, certain land acquired on June twenty-second, nineteen hundred and eighty-eight from Richard C. Wolfe pursuant to the provisions of section eight of chapter sixty-one of the General Laws, said land being bounded and described as follows:-

BEGINNING at a point in the north end of a wall, said point marking the intersection of the southerly sideline of Locks Village Road with the westerly sideline of Locks Hill Road; thence S. 16° 14' 50" W., a distance of 505.55 feet to a point; thence S. 8° 56' 30" W., a distance of 697.29 feet to a point; thence S. 5° 28' 05" W., a distance of 423.56 feet to a point; thence S. 6° 44' 14" W., a distance of 900.41 feet to a point, the last four courses being along the westerly sideline of said Locks Hill Road;

Thence N. 76° 19' 07" W., a distance of 265.89 feet to a point; thence S. 47° 45' 14" W., a distance of 393.39 feet to a point; thence S. 22° 43' 44" W., a distance of 156.61 feet to a point; thence N. 76° 04' 25" W., a distance of 113.81 feet to a point; thence S. 70° 05' W., a distance of 489.76 feet to a point; thence S. 16° 15' W., a distance of 117.28 feet to a point; thence S. 3° 57' E., a distance of 280.80 feet to a point;

thence S. 14° 00' 20" E., a distance of 175.41 feet to a point; thence S. 78° 41' 45" W., a distance of 58.97 feet to a point;

Thence N. 22° 18' 08" W., a distance of 244.33 feet to a point; thence N. 22° 12' 45" W., a distance of 810.11 feet to a monument; thence N. 08° 20' 48" E., a distance of 363.00 feet to a granite stone bound; thence N. 66° 10' 25" W., a distance of 952.55 feet to an iron pin; thence N. 66° 10' 25" W., a distance of 266.75 feet to a point in the southerly line of Locks Village Road;

Thence N. 66° 25' 20" W., across Locks Village Road a distance of 90.95 feet to an iron pipe; thence S. 80° 25' 30" W., a distance of 204.87 feet along Locks Village Road; thence N. 26° 31' 31" E., a distance of 111.74 feet to a point; thence N. 66° 34' 30" W., a distance of 225.27 feet to an iron pin; thence N. 66° 11' 23" W., a distance of 385.23 feet to a point; thence S. 26° 31' 31" W., a distance of 406.59 feet to a point;

Thence N. 67° 32' 06" W., a distance of 615.36 feet to a cherry tree; thence N. 67° 32' 06" W., a distance of 469.55 feet to a point;

Thence N. 9° 22' 01" E., a distance of 918.02 feet to a point; thence N. 80° 57' 07" W., a distance of 593.66 feet to a pointed stone;

Thence N. 13° 02' 14" E., a distance of 658.87 feet to a point; thence S. 82° 46' E., a distance of 168.94 feet to a point; thence S. 73° 16' 44"E., a distance of 573.56 feet to a point; thence S. 4° 40' 56" W., a distance of 412.50 feet to a point; thence S. 79° 46' 20" E., a distance of 224.55 feet to a point; thence N. 9° 21' 40" E., a distance of 880.13 feet to a point; thence N. 84° 38' 30" W., a distance of 457.66 feet to a point; thence N. 72° 14' 16" W., a distance of 411.81 feet to a point;

Thence N. 6° 44' 32" E., a distance of 707.99 feet to a point; thence N. 8° 53' 54" E., a distance of 645.97 feet to a point; thence S. 84° 20' E., a distance of 682.78 feet to a point; thence N. 9° 44' 20" E., a distance of 399.54 feet to a point; thence S. 84° 20' E., a distance of 168.12 feet to a stone pile; thence S. 86° 53' 13" E., a distance of 503.05 feet to a granite stone bound; thence S. 82° 13' 21" E., a distance of 917.84 feet to an iron pipe;

Thence S. 46° 57' 06" W., a distance of 541.92 feet to a point; thence S. 24° 16' 16" W., a distance of 369.72 feet to the southwesterly point in a corner of Bullard Road; thence S. 84° 00' 13" E., a distance of 688.16 feet to a point; thence N. 84° 24' E., a distance of 68.65 feet; thence N. 71° 00' E., a distance of 237.89 feet to a point; thence N. 89° 50' E., a distance of 256.17 feet to a point; thence S. 84° 29' 34" E., a distance of 1328.54 feet to a point; thence S. 84° 29' 34" E., a distance of 653.38 feet to a corner;

Thence S. 28° 27' 10" W., a distance of 585.41 feet to an iron pipe; thence S. 82° 27' 33" E., a distance of 647.32 feet to an iron pipe; thence S. 28° 41' W., along the westerly sideline of Locks Village Road a distance of 234.35 feet to a point; thence N. 84° 41' 25" W., a distance of 330.00 feet to a point; thence S. 28° 55' W., a distance of 660.00 feet to a point; thence S. 84° 41' 25" E., a distance of 110.50 feet to a point; thence S. 21° 20' E., across said Locks Village Road a distance of 49.50 feet to a point; thence N. 78° 40' 50" E., along the southerly sideline of

Locks Village Road a distance of 276.55 feet to the point of beginning. Together with all buildings thereon, and easements, rights, and incorporeal hereditaments appurtenant thereto.

Excepting and excluding:

TRACT ONE: Beginning at the southernmost corner of said tract at a bound; thence N. 39° 00' 00" W., along land now or formerly of Richard C. Wolfe a distance of 430.00 feet to a bound; thence N. 59° 00' 00" E., along land now or formerly of said Wolfe a distance of 845.00 feet to a bound; thence N. 39° 00' 00" E., along land now or formerly of said Wolfe 845.00 feet to a bound at the northernmost corner of said tract; thence S. 56° 00' 00" E., along land now or formerly of said Wolfe a distance of 325.00 feet to a bound; thence S. 29° 00' 00" W., along land now or formerly of said Wolfe a distance of 1042.76 feet to a bound set in the northerly line of Locks Village Road; thence S. 67° 46' 50" W., along the northerly line of Locks Village Road a distance of 378.17 feet to a point; thence S. 64° 16' 40" W., along the northerly line of Locks Village Road a distance of 432.40 feet to a bound; thence S. 64° 16' 40" W., a distance of 9.87 feet to the point of beginning. Containing an area of 17.697 acres, more or less; and

TRACT TWO: Beginning in the westernmost corner of said tract at a bound in the southerly line of Locks Village Road; thence N. 61° 16' 53" E., along the southerly line of Locks Village Road a distance of 372.15 feet to a point; thence N. 67° 46' 50" E., along the southerly line of Locks Village Road a distance of 316.96 feet to a bound; thence S. 24° 44' 35" E., along land now or formerly of Richard C. Wolfe a distance of 211.85 feet to a bound; thence S. 65° 15' 25" W., along land now or formerly of said Wolfe a distance of 511.39 feet to a bound; thence N. 66° 10' 25" W., a distance of 266.75 feet to the place of beginning. Containing an area of 3.000 acres, more or less.

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

Approved August 3, 1988.

Chapter 240. AN ACT ESTABLISHING A SPECIAL ACCOUNT IN THE TOWN OF MIDDLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, or any other provisions of law to the contrary, the town of Middleborough is hereby authorized to establish a special account to be known as the "Council on Aging Trust Fund" into which account shall be deposited all receipts, revenues and funds received from any source by the council on aging and the council on aging department of said town. Donations from private sources also may be received and placed into said account, as well as monies from other sources authorized by law.

SECTION 2. Said account shall be maintained by the town treasurer of said town. Said treasurer may invest the monies in said account in the manner authorized by sections fifty-five and fifty-five A of said chapter forty-four. The interest accruing on said account shall inure solely to the benefit of said account. Said account shall be audited by an independent certified public accountant and said audit report shall be submitted to the director of the bureau of accounts.

SECTION 3. The town treasurer shall assure that sufficient money is available at all times to meet current liabilities. The council on aging and the council on aging department in said town shall annually furnish said treasurer a schedule of anticipated expenditures on a monthly basis.

SECTION 4. The funds and interest of said account shall be expended only for capital expenditures and budget appropriations for the council on aging and the council on aging department in said town and only by a majority vote at a town meeting. Any monies so appropriated and not expended shall revert to said account.

Approved August 3, 1988.

Chapter 241. AN ACT PROVIDING A CHARTER FOR FRANKLIN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. (A) At the biennial state election following the effective date of this act the state secretary shall cause to be printed on the ballot in the county of Franklin the following question: "Shall the charter of the county of Franklin as proposed by the Franklin county charter study commission be adopted?" At such election, the question shall appear on the ballot in the same manner as other public questions are printed on said ballot. The attorney general shall prepare the summary to accompany such question. The charter of the county of Franklin as set forth in section three shall become effective on January first next following said election upon approval by a majority of all votes cast on the question and shall have the force of law within said county.

(B) The ballots to be used at such election shall be prepared and furnished by the state secretary in accordance with the requirements of this chapter and of chapter fifty-four of the General Laws. The question in subsection (A) shall be printed immediately after statewide questions appearing on said ballot.

SECTION 2. The grant of powers under this act is to be construed as broadly as is consistent with the Constitution of the Commonwealth of Massachusetts and the General Laws and special acts relating to county and local government. The grant of powers shall be construed as liberally as possible in regard to the county's right to reorganize its form of

government, to reorganize its structure and to alter and abolish its agencies, subject to the general mandate of performing services whether such services be performed by the agency previously established or by a new agency or other department of county government. Based on the need to develop effective services to meet the problems which cross city or town boundaries and which cannot be met effectively on an individual basis by the cities and towns, or the state, this act shall be construed as intending to give the county power to establish innovative programs and to perform such regional services as said Constitution and the General Laws and special acts permit and to establish such other programs and services as may, from time to time, be permitted.

SECTION 3. The following special charter of the county of Franklin as proposed by the Franklin county charter study commission shall establish the rights of said county and the powers and duties of its governing officers upon its approval as provided in section one:

Article 1

Powers of the County

Section 1. Subject to the provisions of the General Laws and the Constitution of the Commonwealth of Massachusetts the county of Franklin may:

(1) organize and regulate its internal affairs; create, alter, and abolish agencies, departments, offices, positions and employment and define functions, powers and duties thereof; establish qualifications for persons holding offices, positions and employment; and provide for the manner of their appointment and removal and for their term and compensation;

(2) adopt, amend, enforce and repeal measures, subject to referendum by the voters of the county, notwithstanding the effect of any referendum conducted prior to the adoption of this charter;

(3) construct, acquire, operate and maintain improvements, projects or other enterprises for any public purpose, subject to such referendum as may otherwise be imposed by law;

(4) exercise powers of eminent domain, borrowing and taxation only as provided by the General Laws;

(5) exercise all powers of county government in such manner as its board of commissioners and county council may determine;

(6) have a corporate seal, sue and be sued, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, and appropriate and expend monies for county purposes;

(7) raise monies as provide by the General Laws and special acts of the commonwealth;

(8) contract with or sign agreements with other governmental units for the provision of joint, coordinated or cooperative service provisions.

Section 2. Nothing in this charter shall be construed to impair or infringe on the powers and duties of cities and towns under the General

Laws or special acts of the commonwealth. It is the intent of this charter to permit the towns of Franklin county to employ services and facilities of the county for more effective, efficient and adequate provision of services if and when towns may deem it desirable to do so. Towns are and shall remain the broad repository of local police power in terms of the right and power to legislate for the general health, safety and welfare of their residents.

Article 2

County Council

Section 1. All legislative power of the county shall be vested in the county council which shall be composed of councillors who shall be elected from each town in the county in annual town elections and shall serve for a term of two years beginning on July first next following said elections. Each town shall elect one councillor for each ten per cent, or portion thereof, of the county's population which resides in the town. Population shall be determined by the most recent United States census.

Section 2. On all questions, each councillor shall cast a weighted vote equal to the proportion of the county's total population residing in the town he represents, except that the weighted vote of any town with more than one councillor shall be divided equally among its councillors.

Section 3. Councillors shall be residents and registered voters of the towns from which they are elected, and shall qualify for the ballot in the same manner as candidates for town offices elected at-large within the town, except that no party or political designations shall be used. No person shall be considered ineligible to be elected to the office of councillor on account of any office he may hold within the government of the town.

Section 4. The office of a councillor shall be deemed vacant if the incumbent moves his residence from the town from which he was elected, or he is, by physical or mental illness or other casualty, unable, as determined by a majority vote of the council, to continue to serve in the office. When vacancies occur in the representation from any town, the executive authority of the town shall by majority vote appoint a successor to complete the unexpired term.

Section 5. Councillors shall serve without compensation, except that any expenses incurred as a result of said service to the county shall be reimbursed from the county treasury.

Section 6. Councillors shall make an annual report to the towns of their activities and the activities of the county. Councillors shall from time to time meet with either or both the selectmen and the finance committees of the towns they represent to discuss the towns' financial situation and service needs.

Section 7. The following powers of the county council shall be exercised by resolution:

(1) the establishment of advisory bodies;

(2) the conduct of an inquiry or investigation;
(3) the expression of disapproval of the suspension or dismissal of officers or employees;
(4) the adoption of rules for the county council;
(5) the establishment of times and places for county council meetings;
(6) the establishment of the county council as a committee of the whole and the delegation of any number of its members as an ad hoc committee;
(7) the adoption of a county administrative code;
(8) the election, appointment and removal of such officers and employees of the county council as is permitted by law;
(9) actions specified as resolutions; and
(10) the expression of such county council policies or opinions as require no formal county council action.

Section 8. The county council:
(1) shall pass in accordance with the General Laws and the Constitution of the Commonwealth of Massachusetts whatever measures it deems necessary and proper for the good governance of the county;
(2) shall appoint a clerk to the county council who shall record and keep the records and minutes of the county council and who shall serve at the pleasure of the county council or for such term not to exceed three years as may be provided by the county council;
(3) may provide for a term of office for the county counsel not to exceed four years;
(4) shall approve the annual operating budget of the county and appropriate such sums as are required by said budget;
(5) shall establish such committees as it shall deem necessary to carry out its duties;
(6) shall, by a two-thirds weighted vote, override a veto of the commissioners; and
(7) shall authorize the county to enter into indebtedness.

Section 9. Except as otherwise provided herein or by General Law, all actions of the county council shall be by majority of the weighted vote. A tie vote of the county council shall constitute a failure to act.

Section 10. Except for actions designated as resolutions, every measure which shall have passed the county council shall, before it becomes effective, be presented to the board of commissioners; if they approve they shall sign it and it shall become effective, but if not they shall return it with their objections to the county council who shall enter the commissioners' objections in their journal, and proceed to reconsider it. If after such reconsideration two-thirds of the county council, by weighted vote, shall agree to pass the measure, it shall become effective. In all such cases the vote of the county council shall be determined by yeas and nays, and the names of the persons voting for and against the measure shall be entered on the journal. If any measure shall not be returned by the commissioners within fourteen days after it shall have been presented to them, the same shall become effective, in like manner as if they had signed it.

Article 3

Board of Commissioners

Section 1. The executive power of the county shall be exercised by the board of commissioners which shall consist of three persons elected at large in the county in the biennial elections for overlapping terms of four years. Commissioners shall be elected as provided under the General Laws. The organizational meeting of the board of commissioners shall be held at its first meeting in January of each year.

Section 2. No more than one commissioner may be elected from any one town in the county. The office of any commissioner shall be deemed vacant if the incumbent moves his residence from the county, or if he is by physical or mental illness or other casualty unable, as determined by a majority vote of the commissioners, to serve as commissioner. In the event of a vacancy in the office of a commissioner, the remaining commissioners and the presiding officer of the county council shall by majority vote appoint a successor to serve such term as provided under the General Laws.

Section 3. Incumbent commissioners elected prior to the effective date of this act whose terms and residences conform to the requirements of this charter shall continue in office until the completion of their elected terms.

Section 4. The board of commissioners shall:

(1) exercise all administrative and executive powers of the county by majority vote of its members;

(2) at its organizational meeting, elect a chairperson who shall preside over board meetings with the right to vote on all questions, and who with the approval of the board shall serve as spokesperson for the board on matters concerning policies and programs, and be empowered to execute all contracts, bonds or other instruments requiring the consent of the county;

(3) at its organizational meeting, elect a vice-chairperson who shall serve as acting chairperson during the temporary absence or temporary disability of the chairperson;

(4) report annually to the county council and to the residents of the county on the work of the previous year, recommend whatever action is deemed necessary for the improvement of the county and the welfare of its residents and, from time to time at their discretion, recommend any course of action or programs they deem necessary or desirable for the county to undertake;

(5) prior to January twentieth, prepare and submit to the county council for its consideration and adoption an annual operating budget for the next fiscal year; establish the schedules and procedures to be followed by all county departments, offices and agencies in connection therewith; and supervise and administer all phases of the budgetary process;

(6) approve or veto measures not designated as resolutions that have been passed by the county council;

(7) appoint and remove the county administrative officer who shall be qualified by administrative and executive experience and ability to serve as the administrative officer of the county. The administrative officer may be removed by a vote of the board subject to due notice and a public hearing. Such notice shall be in writing and shall be accompanied by a written bill of particular charges and complaints and said public hearing on these charges shall be held no less than fifteen days nor more than thirty days after personal service of notice and charges. The administrative officer need not be a resident of the county at the time of his appointment; however, within three months of said appointment he shall become a resident of said county;

(8) through the county administrative officer, enforce the county charter, the county's laws and all General Laws applicable thereto;

(9) insure adequate supervision, direction and control of all county administrative departments, and care and maintenance of all county properties, institutions and agencies by the administrative officer;

(10) appoint all members of county boards, commissions and authorities, and all other officials not serving in the administrative service of the county the manner of whose appointment is not prescribed elsewhere in this charter;

(11) serve as ex-officio, nonvoting members of all appointive bodies in county government;

(12) remove or suspend for just cause any person occupying an office specified in paragraph ten;

(13) at their discretion, require from the administrative officer reports and examine the accounts, records and operations of any agency of county government;

(14) at their discretion, order any agency under their jurisdiction to undertake any task for any other agency on a temporary basis if they deem it necessary for the proper and efficient administration of the county to do so;

(15) identify emergency situations and declare emergencies;

(16) approve contracts presented by the administrative officer;

(17) adopt rules for the board;

(18) establish times and places for board meetings;

(19) appoint the heads of departments which are under their jurisdiction;

(20) appoint the county counsel to serve at the pleasure of the board or for such term not to exceed four years as may be provided by action of the county council; and

(21) keep a journal of their proceedings; and the yeas and nays of the commissioners on any question shall, at the desire of any commissioner, be entered on the journal.

Article 4

Separation of Powers

Section 1. This charter shall confer on the county council general legislative powers and such investigative powers as are germane to the exercise of its legislative powers, but retains in the board of commissioners full control over the county administration and over the administration of county services provided for in this charter.

(1) Members of the county council shall communicate with county employees only through the board of commissioners in all matters concerning the administration of the county's government and the provision of services, except as otherwise provided in this charter. However, nothing in this charter shall be construed to prohibit the county council's inquiry into any act or problem of the county's administration. Any committee of the county council may require a report on any aspect of the government of the county at any time by written request to the board of commissioners.

(2) The county council may, by a majority vote of the whole number of its members, require the board of commissioners to appear before the county council sitting as a committee of the whole, and to bring before the county council such records and reports and such officials and employees of the county as the county council shall deem necessary to insure clarification of the matter under study.

Article 5

Citizen Petition and Referendum Procedures

Section 1. Citizen petition and referendum procedures shall be started by the filing of a petition, addressed to the county council of the county of Franklin, with the clerk of the county council. Signatures to any petition shall be on separate papers for each town which shall be identified on the paper and within one town need not be all on one paper, and all such papers pertaining to any one measure shall each contain the entire wording of the petition, shall be fastened together, and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

The signatures contained on said petitions shall be certified by the board of registrars of voters of the towns in the county prior to the filing of said petition with the clerk of the council. Such certification shall be performed in the manner prescribed for the certification of signatures on nominating petitions, under section seven of chapter fifty-three of the General Laws. Any petition or separate sheet of a petition submitted for certification shall be processed and returned to the person who submitted it within ten days after the submission. Objections to the sufficiency and validity of the signatures on any petition shall be made in the same manner as provided by the General Laws for objections to nominations for town offices. Upon filing with the clerk of the council of a petition under this article, the clerk of the council shall furnish a receipt for the

same to the person or persons filing the petition, and within seven days following the filing of the petition, the clerk of the council shall determine by what number of voters the petition has been signed and what percentage that number is of the total number of registered voters in the county and shall make report of his determination and present the petition to next regular meeting of the county council.

Section 2. The county council and board of commissioners shall jointly hold a public hearing and shall act with respect to every petition which is addressed to the county council of the county of Franklin which is signed by five hundred voters or more, and which seeks the passage of a measure. The hearing shall be held and the action shall be taken not later than ninety days after the petition is filed with the clerk of the council. Hearings on two or more petitions signed under this section may be held at the same time and place. The clerk of the council shall mail notice of the hearing to the ten persons whose names appear first on the petition at least seven days before the hearing. Notice by publication of all such hearings shall be at the expense of the county.

Section 3. If, within thirty days following the date on which the county council has voted to approve any measure and the board of commissioners has signed same, a petition signed by a number of voters equal to five per cent of the total number of the registered voters in the county, against the measure or any part thereof is filed with the clerk of the council, the effective date of such measure shall be temporarily suspended. The county council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure or part thereof is not rescinded, the board of commissioners shall provide for the submission of the question to the secretary of state for a determination by the voters at the next state-wide election occurring at least one hundred and twenty days following such failure to rescind, but pending such submission and determination the effect of such measure shall continue to be suspended. In order for the referendum to be binding upon the county, twenty per cent of the registered voters of the county must vote on the measure or issue placed before the county by the citizens' referendum procedure. A majority vote in favor of rescinding the measure shall be required to rescind the measure.

Section 4. None of the following shall be subject to the petition or the referendum procedures: (1) proceedings relating to the internal organization or operation of the county council or actions of the council designated as resolutions; (2) an emergency measure adopted in conformity with the charter; (3) revenue loan orders; (4) any appropriation for the payment of the county's debts or debt service; (5) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer or the demotion of any person, or other personnel action; (6) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures; and (7) any proceedings providing for the submission or referral of any measure to the voters at an election.

Section 5. With the approval of the board of commissioners, the county council may on its own motion submit any measure, except reso-

lutions or other measures which are not binding upon the county, to the voters for adoption or rejection at any regular statewide election occurring at least ninety days following notification of the state secretary of such action by the county.

Article 6

Advisory Finance Committee

Section 1. The advisory finance committee shall consist of the chairmen of the boards of selectmen, or their selectman designee, from each town in the county.

Section 2. The advisory finance committee shall be constituted to consider any or all county questions regarding the finances of the county for the purpose of making reports or recommendations to the county council.

Section 3. The reports and recommendations of the advisory finance committee shall be advisory and not binding upon the county.

Article 7

Transitional Provisions

Section 1. All General Laws, special acts, approved budgets, rules and regulations of or pertaining to the county that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

Section 2. Except as otherwise provided in this charter, all county agencies shall continue to perform their duties until re-elected, or until successors to their respective positions are duly appointed or elected and qualified, or until their duties have been transferred and assumed by another agency.

Section 3. All records, property and equipment whatsoever of any county agency, or part thereof, the powers and duties of which are herein assigned in whole or in part to another county agency, shall be transferred forthwith to such agency.

Section 4. All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the county before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the county, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this charter; and no legal act done by or in favor of the county shall be rendered invalid by reason of the adoption of this charter.

Article 8

Definitions

The following words shall have the following meanings, unless the context requires otherwise:

"Board", the board of commissioners.

"Charter", this home rule charter of the county of Franklin and any amendment to it which may hereafter be adopted.

"Commissioner", a member of the board of commissioners.

"Council", the county council.

"Councillor", a member of the county council.

"County", the county of Franklin.

"County commissioners", the board of commissioners.

"County department" or "county agency", any board, commission, committee, division or office of the county of Franklin.

"County official", when used without further qualifications or description, shall mean a person having charge of an office or department of the county who exercises some portion of the sovereign power of the county.

"Emergency", a sudden, unexpected, unforeseen happening, occurrence, or condition which necessitates immediate action.

"Measure", shall not imply the passage of any ordinance, bylaw or action which could be construed to impair or infringe on the powers and duties of cities and towns under the General Laws or special acts of the commonwealth.

"Resolution", a formal statement of opinion or determination adopted by the county council.

"Town", any municipality, regardless of how its form of municipal government may be constituted.

Article 9

Amendment

Section 1. This charter may be amended as provided in section fourteen of chapter thirty-four A of the General Laws.

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

Approved August 10, 1988.

Chapter 242. 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 supplemental agreement signed April twenty-seventh, nineteen hundred and eighty-eight, between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO for the class reallocation of correction counselor titles, 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.

1599-3652 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by a supplemental agreement 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 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-eight and nineteen hundred and eighty-nine such amounts as are necessary to meet the costs of said adjustments and benefits for 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 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 this appropriation shall expire on June thirtieth, nineteen hundred and eighty-nine $363,000

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

Approved August 10, 1988.

Chapter 243. **AN ACT PERMITTING THE COUNTY COMMISSIONERS OF DUKES COUNTY TO SERVE AS COMMISSIONERS ON THE MARTHA'S VINEYARD AIRPORT COMMISSION.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter two hundred and sixty-eight A of the General Laws or any other general or special law to the contrary, the county commissioners of Dukes County shall be allowed to be appointed and to serve as commissioners on the Martha's Vineyard airport commission.

Approved August 10, 1988.

Chapter 244. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable Chester Shatz, United States Administrative Law Judge, in the city of Salem on November twentieth, nineteen hundred and eighty-eight between Mark Steven Horrigan of the town of Saugus and Nancy Beth Norman of the city of Peabody, and the state secretary shall issue to said Chester Shatz in his capacity as aforesaid a certificate of such authorization.

Approved August 15, 1988.

Chapter 245. AN ACT RELATIVE TO THE EXPENDITURE OF DEFAULT FUNDS BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 81U of chapter 41 of the General Laws is hereby amended by striking out the penultimate paragraph, inserted by chapter 236 of the acts of 1987 and inserting in place thereof 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 one hundred 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 August 15, 1988.

Chapter 246. AN ACT PROVIDING THAT CHIEF ERVIN G. LOTHROP MAY CONTINUE EMPLOYMENT WITH THE POLICE DEPARTMENT OF THE TOWN OF WEST BRIDGEWATER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Ervin G. Lothrop, chief of the police department of the town of West Bridgewater, is hereby authorized to continue in such position until and including August thirty-first, nineteen hundred and eighty-nine; provided, however, that he is mentally and physically capable

of performing the duties of his office or position; and, provided further, that he shall annually, at his own expense be examined by an impartial physician designated by the retirement board of the county of Plymouth 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 August thirty-first, nineteen hundred and eighty-eight, and upon retirement said employee shall receive a superannuation allowance equal to that to which he would have been entitled to had he retired on said date.

SECTION 2. This act shall take effect on August thirty-first, nineteen hundred and eighty-eight.

Approved August 22, 1988.

Chapter 247. AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO FUND THE SUMMER PAY OF TEACHERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any general or special law to the contrary, the city of Newburyport shall raise in equal installments in each of the fiscal years nineteen hundred and eighty-nine to nineteen hundred and ninety-three, inclusive, the deficit in its fiscal nineteen hundred and eighty-eight school budget attributable to salaries earned in said fiscal year and payable in fiscal nineteen hundred and eighty-nine.

SECTION 2. Notwithstanding the provisions of section sixty-four of chapter forty-four of the General Laws or any other general or special law, the city of Newburyport is hereby authorized in each of the fiscal years nineteen hundred and eighty-nine to nineteen hundred and ninety-three, inclusive, to pay from the current fiscal year's school department appropriation salaries earned in the prior fiscal year, up to the amount of the remaining balance of the deficit referred to in section one of this act.

Approved August 23, 1988.

Chapter 248. AN ACT PROVIDING A CHARTER FOR PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary the county of Plymouth shall be governed by the

provisions of the following Home Rule Charter. If this act is accepted by the voters of Plymouth county at the state election held in the current year the county of Plymouth shall thereafter be governed by the provisions of this act: to the extent that the provisions of this act modify or are otherwise inconsistent with any special or general law the provisions of this act shall govern.

We, the people of Plymouth county, in order to gain for ourselves and for the municipalities in which we live, all of the rights, powers, privileges, duties and obligations which may now or in the future be derived from county government, to establish for ourselves and for our municipalities the means and the structure to deal with regional issues which transcend the existing boundaries of municipal governments, or which may more efficiently and effectively be dealt with on a regional basis, to improve the organization presently available for the delivery of services by our county government, and to permit and to encourage a continuing review to be made of county government to assure county services are always being provided in the most efficient and expeditious manner possible, and to secure all of these benefits for ourselves and for our posterity, do hereby ratify, approve, adopt and affirm the following as the Home Rule Charter of Plymouth county:

ARTICLE 1

INCORPORATION AND POWERS

SECTION 1-1 Incorporation Plymouth county, within the corporate limits established by law, shall continue to be a body politic and corporate for the purposes of suit, of buying and holding, for county uses, personal estate and land lying therein, and of contracting and doing other necessary acts relative to its property and affairs.

SECTION 1-2 Short Title This instrument shall be known and may be cited as the Plymouth County Home Rule Charter.

SECTION 1-3 Powers of the County Subject only to express limitations on the powers which may be exercised by a county government in the constitution or laws of the commonwealth, it is the intention and the purpose of the voters of Plymouth county in approving this charter to obtain for the county government all of the powers it is possible for a county government to have, to hold and to exercise under the constitution and laws of the commonwealth as fully and as completely as if each such power were specifically and individually enumerated in this charter.

It is the intent of this charter to encourage a continuing review of the functions being performed by the county government and to enable the county government to cause any duty that has been mandated to it, by law or otherwise, to be performed in the most efficient and expeditious manner possible, and without regard to the organizational, structural or

personnel provisions contained in any prior law or laws.

SECTION 1-4 Construction The grant of powers under this charter is to be construed as broadly as is consistent with the constitution and the laws of the commonwealth relating to local government. Based upon the need to develop effective services to meet problems which cross municipal boundaries, to provide sophisticated services which might be beyond the ability of a single community to support and a desire to obtain the efficiencies and economies of scale, this charter shall be construed as intended to give to the county government the power and the authority to establish programs and to perform any service, activity or undertaking for, or on behalf of, any governmental unit which said governmental unit has the legal authority to perform for itself, as such governmental unit may itself determine is in its own best interest to cause the county to perform for it, with it, or in its behalf, on a contractual basis, or otherwise.

SECTION 1-5 Intergovernmental Relations The county government may enter into agreements with any other governmental unit, or group of such units, within or without the county, without regard to whether a governmental unit is a city, a town, a regional authority or a special district, or the state or the federal government, to perform for it, with it, or in behalf of such governmental unit any service, activity or undertaking which such governmental unit is authorized to perform for itself. The county may become the agent for any other unit or units of government including the United States and the commonwealth, in the performance of any and all functions, services, activities and undertakings for which the contracting unit determines to employ the county as its agent.

The county government shall not perform any service for a governmental unit outside of its political boundaries unless authorized to do so by the governing body of the county within which such governmental unit is located. Nothing in this section shall be construed to prohibit the county government from performing services jointly with, or for, or in cooperation with another county, by contract or otherwise.

SECTION 1-6 County Powers, Generally Without intending to limit the generality of county powers as stated in section 1-3 of this charter the following specific powers shall be available to the county government:

(a) To organize and regulate its internal affairs through the adoption, amendment or repeal of ordinances, or the provisions of an administrative code; create, alter and abolish agencies, offices, positions and employments and define the powers, duties, responsibilities and functions thereof; establish qualifications for persons holding offices, positions and employments, provide for the manner of appointment and removal and the salary or other compensation to be paid.

(b) Adopt, amend, enforce and repeal ordinances and resolutions as provided in article 2 and subject to the provisions for initiative and re-

ferendum as contained in article 7.

(c) Construct, acquire, operate and maintain public improvements, projects or enterprises for any public purpose subject to such restrictions and limitations as are otherwise provided by law.

(d) Exercise powers of eminent domain, borrowing and taxation to the extent authorized by this charter and by law.

(e) Exercise all powers of county government in such manner as the county governing body shall determine, subject to rights of initiative and referendum contained in article 7.

(f) Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend funds for county purposes.

(g) Contract with or sign agreements with other governmental units for the provision of a joint, coordinated or cooperative service or function.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1 Composition, Mode of Election, Term of Office

(a) Composition - The legislative powers of Plymouth county shall be exercised by a county council consisting of fifteen members. The members of the county council shall be elected by and from the voters in the fifteen districts into which the county is divided for the purpose of electing such members.

(b) Eligibility - Any voter shall be eligible to hold the office of county councillor who at the time of election has been a resident of the district from which election is sought for a period of one year or more. A county councillor who during a term of office moves from the district from which elected shall forthwith be deemed to have resigned and the office shall be declared vacant by the remaining members of the county council.

(c) Election and Term - County councillors shall be elected for terms of two years each at the biennial state election. The term of office for county councillors shall begin on the first business day in January in the year following the year in which elected and shall continue until their successors have been chosen and qualified.

SECTION 2-2 Organization; Presiding Officer, Deputy Presiding Officer

(a) Organization - The county council shall meet on the first business day in January of each odd numbered year for the purpose of organization. They shall be called to order by the member present senior in years of service on the county council, who shall preside; if two or more members have equal lengths of service the member present senior in both age and years of service shall preside. The county council shall then elect, from their own number, a president and a vice-president.

(b) President - The president shall preside at all meetings of the county council, regulate the proceedings and decide all questions of order

and shall have the same right to vote on any matter coming before the county council as any other member. The president shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the county council.

(c) Vice-President - The vice-president shall serve as president during the absence or disability of the president and shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the county council.

SECTION 2-3 Compensation The county council shall, by ordinance, establish an annual compensation for its members. No ordinance increasing such compensation shall be effective however unless it has been adopted during the first fifteen months of the term for which county councillors are elected and it provides that the salary increase is to become effective at the commencement of the term of the next county council to be elected.

SECTION 2-4 County Officers Chosen by County Council As soon as practical after the county council has been organized following each election of its members, it shall elect, by ballot, for the term of office as hereafter specified, and until their successors are chosen and qualified, the following county officers:

(a) Clerk of the County Council - The clerk of the county council shall serve for a term of two years and shall give notice of all meetings of the county council to its members and to the public, keep a journal and other records of all of its proceedings and perform such other duties as may from time to time be assigned to the office of clerk of the county council by this charter, by ordinance, or by other vote of the county council. The clerk of the county council may be the county clerk.

(b) County Auditor - The county council may appoint, subject to a vote of the county council to establish the office of county auditor, and the specific appropriation of funds for the office of county auditor. If the position of county auditor is established such officer shall have general charge of the financial books and accounts of the county, shall regularly audit such books and accounts and shall have such additional powers and duties with respect to the financial affairs of the county as may from time to time be assigned to the office of county auditor by this charter, by ordinance, or by other vote of the county council.

SECTION 2-5 Powers and Duties, In General Except as is otherwise provided by law, or this charter, all legislative powers of the county shall be vested in the county council which shall provide for the exercise of all powers and the performance of all duties imposed upon the county in a manner consistent with the provisions of this charter.

SECTION 2-6 Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers - Except as is otherwise provided by this charter, or by law, the legislative powers of the county council may be

exercised in a manner determined by it.

(b) Quorum - A majority of the county council shall constitute a quorum but a smaller number may meet and adjourn from time to time.

(c) Rules of Procedure The county council may from time to time establish rules for its proceedings not inconsistent with the following:

(i) regular meetings of the county council shall be held at a time and place fixed by ordinance;

(ii) except in case of emergency, special meetings of the county council shall be held at the call of the board of county commissioners (as provided in section 3-8(b)), at the call of the president, or at the call of any three or more members, by written notice, delivered in hand, or to the place of residence or business of each member at least seventy-two hours in advance of the time set and which notice shall include the subjects to be acted upon at such special meeting;

(iii) except as may otherwise be authorized by law all meetings of the county council and any committee or sub-committee thereof shall at all times be open to the public and to representatives of the communications media;

(iv) every matter which comes before the county council shall be put to a vote, the results of which shall be recorded. When requested by any member the vote shall be by roll call and the vote of each member shall be recorded in the journal;

(v) a full, accurate and up-to-date record of the proceedings of the county council shall be kept and shall be available for inspection by the public at any reasonable time.

SECTION 2-7 Prohibitions The members of the county council shall deal with county officers and employees solely through the board of county commissioners. All contact with county employees, all actions and communications concerning county government, administrative activity and provision of services shall be solely through the board of county commissioners, except as is otherwise provided in this charter.

This section shall not prohibit the county council from conducting an inquiry into any act or problem of county administration as provided in section 2-7.

No member of the county council shall, during the term of office for which elected, or, within six months following the expiration of such term, hold any compensated appointed office, position or employment in or under the county government. This provision shall not, however, prevent a former county officer or employee who has taken a leave of absence during service on the county council from resuming such office or employment at the expiration of the term of office for which elected.

SECTION 2-8 Inquiries and Investigations Any member of the county council may at any time request a report on any aspect of the county by making such a request, in writing, to the board of county commissioners.

The county council may require the board of county commissioners to appear before the county council sitting as a committee of the whole and

to bring before the county council such records and reports, and such officials and employees of the county as the county council shall deem necessary to insure clarification of any matter under study.

The county council may summon witnesses to attend and to testify and to produce books and papers at a hearing before it, or a special committee of the county council, in the same manner and with the same penalties as are provided for other multiple member bodies by sections eight to eleven, inclusive, of chapter two hundred and thirty-three of the General Laws.

The county council may, by vote, delegate any number of its members as an ad hoc committee to consult with the board of county commissioners on any matter and to report back to the full county council with the results of such meeting.

SECTION 2-9 Resolutions

(a) Vote Requirement - Provided a quorum is present a majority vote shall be sufficient to finally adopt any resolution.

(b) Resolutions - The following matters may be provided for by resolution and shall not be deemed to require an ordinance:

(i) the establishment of a municipal advisory council on any subject or subjects;

(ii) the conduct of an inquiry or an investigation;

(iii) the adoption of rules governing the conduct of its own business;

(iv) the establishment of times and places for special meetings of the county council;

(v) the establishment of the county council as a committee of the whole and the designation of its members as an ad hoc committee;

(vi) the declaration of emergencies;

(vii) the identification of emergency situations;

(viii) the election, appointment and removal of such officers and employees as the county council is permitted by this charter, or otherwise;

(ix) designation of newspapers to be used to give notice of county matters to the public;

(x) approval of contracts presented by the board of county commissioners;

(xi) actions specified as resolutions;

(xii) the expression of such policies or opinions as requires no formal action.

SECTION 2-10 Ordinances

(a) Vote Requirement - Provided a quorum is present a majority vote shall be sufficient to finally adopt any ordinance.

(b) Acts Required to be by Ordinance - In addition to such other acts as this charter or any other provision of law requires to be by ordinance, the following acts of the county council are required to be by ordinance:

(i) establish, alter or abolish any county department, office or agency;

(ii) fix the compensation for the members of the county council;

(iii) provide for a fine or other penalty or establish a rule or regulation

for violation of which a fine or other penalty is imposed;

(iv) make appropriations, or transfer appropriations from the account of one county agency to another;

(v) grant, renew or extend a franchise;

(vi) regulate the rate charged for any service provided to another governmental unit;

(vii) authorize, by a two-thirds vote of the full county council, the borrowing of money;

(viii) authorize the conveyance or lease of any real estate belonging to the county;

(ix) authorize bilateral or multilateral contracts with other governmental units within or without Plymouth county, for the joint performance, or for the performance by one governmental unit on behalf of the other, or others, of any governmental function or activity;

(x) adopt, with or without amendment, ordinances proposed by voters in accordance with the initiative procedures as provided in Article 7;

(xi) authorize the taking of any land by purchase or by the use of eminent domain;

(xii) amend or repeal any ordinance previously adopted.

(c) Form - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be: "Plymouth county hereby ordains:".

(d) Procedures - A proposed ordinance may be introduced by any member of the county council, or by the board of county commissioners, at any regular or special meeting of the county council.

The clerk of the county council shall forthwith distribute copies of the proposal to each member present and to any member of the board of county commissioners, present. After an ordinance has been introduced and unless it is rejected at the same meeting by the affirmative votes of not less than three-fourths of the full membership, the county council shall promptly cause the proposed ordinance to be published together with a notice stating the time and place at which a public hearing will be held on consideration of the proposal.

(e) Public Hearing - The public hearing on any proposed ordinance shall follow the required publication by at least two weeks. At the public hearing copies of the proposed ordinance shall be available for distribution to interested persons and all persons present shall be given the opportunity to be heard.

(f) Action by County Council - The county council may adopt, with or without amendment, or reject, any proposed ordinance following the public hearing.

(g) Publication of Adopted Ordinances - As soon as practicable following adoption of any ordinance it shall be printed and published.

(h) Time of Taking Effect - Except as otherwise provided by this charter every adopted ordinance shall take effect on the thirty-first day following its adoption, unless a later date is specified in the ordinance.

(i) Published, Defined - As used in this section the term "published" means:

(1) that at least a brief summary of the proposed ordinance or adopted ordinance, has been published along with public notice that a public hearing is to be held in local newspapers;

(2) that copies of the proposed ordinance or adopted ordinance have been distributed to the clerks of every city and town in the county;

(3) that a reasonable number of copies of the proposed ordinance have been printed for free distribution to any interested person requesting the same, or in the case of an adopted ordinance, for sale, at a cost not to exceed the actual cost thereof to persons requesting the same.

SECTION 2-11 Emergency Ordinances The county council, in appropriate circumstances to meet a public emergency affecting life, health or property, may adopt emergency ordinances. No emergency ordinance shall be used to levy taxes; to grant, renew or extend a franchise; to regulate the rate charged for any service; or to authorize the borrowing of any money.

Emergency ordinances shall be submitted in the same manner as other proposed ordinances, but, every emergency measure shall be plainly designated as such and shall contain a preamble, which shall be separately voted upon, which declares that an emergency exists and which describes the emergency in clear and specific terms.

The affirmative vote of two-thirds of the full membership shall be necessary to adopt any emergency ordinance.

Every emergency ordinance shall become effective upon its adoption and shall automatically stand repealed on the sixty-first day following its adoption.

SECTION 2-12 Filling of Vacancies If a vacancy shall occur in the office of county councillor during the first fifteen months of the term for which county councillors are elected the clerk of the county council shall, not less than fourteen nor more than twenty-eight days following the date on which public notice of the existence of the vacancy was given, convene a convention of the chief executive officers of each municipality represented by such councillor district. The said chief executives shall fill such vacancy by casting votes in the same proportion the population of their community represents to the population of the district in which the vacancy exists.

If a vacancy shall occur in the office of county councillor after the first fifteen months of the term for which county councillors are elected, such vacancy shall not be filled, as above. The person elected at the next regular election shall, forthwith, subscribe to the oath of office and shall, in addition to the term for which elected, serve for the balance of the then unexpired term.

ARTICLE 3

EXECUTIVE BRANCH

SECTION 3-1 Board of County Commissioners

(a) Composition, Term of Office - There shall be a board of county commissioners consisting of five members elected by the voters for terms of four years each, so arranged that as nearly an equal a number of such terms as is possible shall expire each year. The provisions of section one hundred fifty-eight of chapter fifty-four of the General Laws shall apply to such election.

(b) Compensation - The county council shall, by ordinance, establish an annual salary for the members of the board of county commissioners. The salary shall be reasonable and commensurate with the duties of the office and may not be lowered during the tenure of an incumbent. No ordinance changing the salary for members of the board of county commissioners shall be effective unless it has been adopted during the first fifteen months of the term for which county delegates are elected and it provides the new rate of compensation is to be effective upon the reorganization of the board of county commissioners following an election for that office.

(c) Organization - The board of county commissioners shall meet to organize on the first business day of January annually and shall choose a chairperson and a vice-chairperson to serve for a term of one year.

SECTION 3-2 Executive Powers The executive powers of the county shall be vested solely in the board of county commissioners and may be exercised either directly by such board, or through the several county agencies under its direction and supervision. The board of county commissioners shall cause this charter, the laws and the ordinances and orders for the government and administration of the county to be enforced.

The board of county commissioners shall exercise a general supervision and direction over all county agencies, unless otherwise provided by law. Each county agency shall furnish to the board of county commissioners, forthwith when so requested, any information, materials or otherwise as the board of county commissioners may request and as the needs of that office and the interest of the county may require.

The board of county commissioners may authorize the county administrator or any subordinate officer or employee of the county to exercise any power, function or duty assigned by this charter to the board of county commissioners provided, however, that all acts which are performed under any such delegation shall be deemed to be the acts of the board of county commissioners.

SECTION 3-3 Powers and Duties The board of county commissioners shall have, possess and may exercise all the powers, rights and duties commonly associated with the office of chief executive and chief administrative officer of a local governmental unit. The powers and duties of the board of county commissioners shall include, but are not limited to, the following:

(a) prepare and submit to the county council for its consideration and

adoption an annual operating budget, and a capital outlay budget, as provided in Article 5;

(b) establish the schedules and procedures to be followed by all county departments, offices and agencies in connection with their budgets and supervise and administer all phases of the budgetary process following adoption of the budget by the county council and throughout the fiscal year;

(c) supervise the care and custody of all county property, institutions and agencies;

(d) supervise the collection of all county revenues and the disbursement of all county funds;

(e) supervise the selection of the depositories for all county funds;

(f) keep the county council and the public fully informed as to the financial and administrative condition of the county;

(g) make at any time such recommendations to the county council for actions required to be taken by it as the board of county commissioners deems necessary for the improvement of the county and the welfare of its residents;

(h) sign all contracts, bonds or other instruments requiring the consent of the county;

(i) review, analyze and forecast trends of county services, programs and finances and make such recommendations to the department heads and other personnel affected as the board of county commissioners shall deem necessary, desirable or expedient;

(j) at any time to inquire into the conduct of office or performance of duty of any county officer, department head or employee; and

(k) to be responsible for the conduct of all negotiations with county employees concerning wages, hours and other conditions of employment and the execution of all contracts relating thereto.

SECTION 3-4 Appointments by Board of County Commissioners The board of county commissioners shall appoint and in appropriate circumstances may remove, subject to the provisions of any collective bargaining agreements as may be applicable, all county officers, department heads, members of multiple member bodies and all county employees for whom no other method of selection is provided by this charter.

SECTION 3-5 Temporary Appointments to County Office Whenever any vacancy occurs in a county office whether temporary or permanent and the needs of the county require that such office be filled, the board of county commissioners may designate the head of some other county office or agency or a county officer or employee to perform the duties of the office on a temporary or acting basis until such time as the incumbent resumes the duties of the office or the position has been filled in the manner provided by this charter, or by county ordinance.

SECTION 3 6 Communications: Special Meetings

(a) Communications to County Council - Annually, at the first regular business meeting of the county council held in each calendar year the board of county commissioners shall in person, or in writing, submit to the county council a report on the state of the county including an indication of such plans and proposals for changes in county programs and services as the board of county commissioners intends to propose during the ensuing year. The board of county commissioners shall, from time to time throughout the year, in person, or in writing, submit to the county council specific proposals to be considered for adoption by the county council as the board of county commissioners deems to be necessary or desirable.

(b) Special Meetings of the County Council - The board of county commissioners may at any time and for any purpose call a special meeting of the county council by causing a notice of such meeting to be delivered in hand or to the place of residence or of business of each member of the county council. Except in cases of special emergency, of which the board of county commissioners shall be the sole judge, such notice shall be delivered at least seventy-two hours in advance of the time set and public notice shall be given as otherwise required by this charter or by law.

SECTION 3-7 Approval of the Board of County Commissioners, Exception Every order, ordinance, resolution or other vote of the county council pertaining to the business and affairs of the county (but not including matters relating to the internal affairs of the county council or resolutions merely stating an opinion of the county council) shall forthwith following its adoption be presented to the board of county commissioners. If the board of county commissioners approves of such measure the signatures of a majority of the members of the board of county commissioners shall be affixed to said proposal and it shall be deemed to be in effect. If the board of county commissioners disapproves of such measure the board of county commissioners shall within ten days following its adoption by the county council return the measure to the county council with specific reasons for such disapproval, in writing, attached thereto.

The county council shall upon receipt of notice of disapproval from the board of county commissioners forthwith reconsider the measure. If the county council shall, notwithstanding the objections of the board of county commissioners, by a two-thirds vote of its membership, taken by roll call vote, again pass the measure the measure shall be deemed to be in effect.

If the board of county commissioners has not signed nor returned a measure adopted by the county council to it within ten days following its adoption said measure shall be deemed to be in effect at the expiration of such time notwithstanding such failure by the board of county commissioners. If the county council has not acted upon a message of disapproval filed with it by the board of county commissioners within

fourteen days of such filing the measure shall be deemed to have been rejected by the county council at the expiration of such period.

SECTION 3-8 Vacancy in Office of Board of County Commissioners If a vacancy occurs in the office of member of the board of county commissioners during the term for which a member is chosen the county council shall order the office to be filled at the next regularly scheduled state election to be held one hundred and twenty or more days following the date such vacancy occurs.

Forthwith when a vacancy in the office of board of county commissioners occurs the chairperson of the county council, notwithstanding the provisions of section one hundred and fifty-eight of chapter fifty-four of the General Laws, shall be deemed to be an acting member of the board of county commissioners and shall serve in such office until a successor is chosen at the next state election. Upon the election of a successor by the voters such person shall forthwith assume the duties of the office and shall serve as a member of the board of county commissioners for the period between the election and the organization of the government on the first business day in January following, in addition to the term for which elected. Nothing in this section shall be deemed to prevent the person serving as acting member of the board of county commissioners from being a candidate for the office of county commissioner.

Whenever the chairperson of the county council becomes an acting member of the board of county commissioners under this section a vacancy shall be deemed to exist in the council district from which said council chairperson was elected which shall be filled in the manner provided in section 2-12.

SECTION 3-9 County Administrator, Qualifications, Term of Office; Compensation

(a) Appointment, Qualifications, Term of Office - The board of county commissioners may appoint a county administrator, who shall be appointed by majority vote of the full board of county commissioners to serve for an indefinite term. The county administrator shall be a person especially fitted by education, training and experience in public administration to perform the duties of the office. The county administrator need not be a resident of Plymouth county at the time of appointment to the office but, unless excused therefrom by vote of the board of county commissioners, the county administrator shall establish a residence in the county within a reasonable time. The county administrator shall devote full time to the office and shall hold no other public office elected or appointed, nor be actively engaged in any other business, occupation or profession while serving as county administrator.

The county administrator shall perform such duties as may be provided for such office by ordinance or the provisions of an administrative code.

ARTICLE 4

ADMINISTRATIVE ORGANIZATION

SECTION 4-1 Elected County Officers

A. IN GENERAL - Notwithstanding their direct election by the voters, the officers named in this section shall be subject to the call of the board of county commissioners at all reasonable times for consultation, conference or discussion for the purpose of coordination of the business of the county.

In the event a vacancy shall occur in any office filled by the voters under this section, the board of county commissioners, subject to the approval of the county council, shall appoint a suitable person to serve until the next biennial state election at which time the office shall be filled by the voters for the regular term of years.

B. COUNTY TREASURER - There shall be a county treasurer elected by the voters of Plymouth county for a term of six years. The county treasurer, at the time of election, and at all times during the term of office for which elected, shall be and shall remain a Plymouth county voter.

The county treasurer shall receive and take charge of all funds belonging to the county and shall pay out and account for the same according to the order of authorized officers of the county.

The county treasurer shall have all of the other powers and duties which are given to county treasurers by the General Laws, and such additional powers and duties as may be provided by county ordinance or administrative code.

C. REGISTER OF DEEDS - There shall be a register of deeds who shall be elected by and from the voters of Plymouth county for a term of six years and who shall at the time of election and at all times during the term for which elected remain a registered voter of Plymouth county.

The register of deeds shall have general charge and superintendence of the registry of deeds for the county and all of the books, records, deeds and papers belonging thereto. The register of deeds for Plymouth county shall have all of the powers, and duties which are given to registers of deeds by the General Laws and such other powers and duties as may be provided by county ordinance or administrative code.

D. COUNTY SHERIFF - There shall be a county sheriff elected as provided by law.

The county sheriff shall have the general care and superintendence of all jails and houses of correction maintained or kept by the county. The county sheriff shall have all of the other powers and duties which are given to county sheriffs by the General Laws and such additional powers and duties as may be provided by county ordinance or administrative code.

SECTION 4-2 Appointed County Officers

A. IN GENERAL - The activities under the direction and supervision of the board of county commissioners shall be distributed among such departments, offices and agencies as are established by this charter, or as may be established by ordinance, or by administrative code not incon-

sistent with this charter.

Every department, office and agency of the county shall be headed by an officer appointed by and subject to the direction and supervision of the board of county commissioners. With the consent of the county council, the board of county commissioners may appoint the county administrator to serve as the head of any office, department or agency of the county. With the consent of the county council, the board of county commissioners may appoint the same person to serve as the head of two or more departments, offices or agencies of the county.

The board of county commissioners may appoint, from time to time, one or more qualified citizens to serve as advisors to the board of county commissioners or to any department, office or agency of the county.

B. CHARTER DEPARTMENTS

(a) Personnel Department - A personnel department shall be established in order to assure that all appointments and promotions to or in the county service be based upon merit and fitness and with due regard for providing equal employment opportunities to all persons. Merit and fitness shall be determined, insofar as practicable, by competitive testing and by the evaluation of other measures of suitability based on education, training, ability and experience.

(b) Office of the County Clerk - There shall be a county clerk, appointed by the board of county commissioners to serve for a term of three years. The county clerk shall be a person especially qualified by education, training and experience to perform the duties of the office. The county clerk may be the same person appointed as clerk of the county council pursuant to section 2-4(a) of this charter.

The office of the county clerk shall serve as the chief records keeper for the county, shall serve as clerk of the county council, shall coordinate the sending of all notices and other correspondence from the county to the several cities and towns within the county and shall receive all notices and other official correspondence from the cities and towns directed to the county, shall coordinate and supervise all election and election related matters affecting the county with the city and town clerks, boards of registrars of voters, election commissions and other local officers performing similar duties.

The office of county clerk shall perform and may exercise such other powers and duties as may be assigned by this charter, by ordinance or by other vote of the county council.

C. ADMINISTRATIVE ORGANIZATION

1. Organization of County Agencies - The organization of the county into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

(a) Ordinances - Subject only to an express prohibition in a general law or this charter, the county council may, by ordinance, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection or, if a multiple member body, the number of members of any county agency, in whole or in part, establish new county

agencies and may prescribe the functions, powers, duties and responsibilities of any such county agency.

(b) Executive Reorganizations - The board of county commissioners, after consultation with the county administrator and the department, office or agency affected, may, from time to time, prepare and submit to the county council plans of organization or reorganization for county administration. Whenever the board of county commissioners prepares such a plan they shall, in conjunction with the department, office or agency affected, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The board of county commissioners shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing to be submitted to the county council. Said plan shall become effective at the expiration of sixty days following the date of its submission to the county council unless the county council has sooner adopted it or has rejected it by a majority vote. In acting upon the administrative code the county council may act only to approve or to disapprove of the plan and may not vote to amend it in any way.

2. Table of Organization - The board of county commissioners shall prepare, maintain and keep current an organization chart which includes a listing of the personnel staffing requirements for each county department, office and agency.

3. Publication of Administrative Code and Table of Organization - For the convenience of the public, the administrative code, as amended, shall be published as an appendix to any publication of the county ordinances. The table of organization shall be published annually in the proposed budget submitted by the board of county commissioners.

ARTICLE 5

FISCAL PROCEDURES

SECTION 5-1 Fiscal Year The fiscal year of Plymouth county shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

SECTION 5-2 Submission of Proposed Budget Every county agency or department shall submit to the county administrator (if any), its requested annual budget on or before the date designated by the board of county commissioners. If there is no county administrator the submission shall be made to the county commissioners. The county administrator (if any) shall prepare a draft budget and submit the same to the board of county commissioners for its review on or before the date designated by the board of county commissioners. Within a time fixed by ordinance, the board of county commissioners shall submit to the county council a proposed budget for the ensuing fiscal year, with an accompanying budget

message and supporting documents. The board of county commissioners shall simultaneously provide a general summary of the proposed budget to be made available to representatives of the communications media and shall cause a legal notice to be published in at least three local newspapers published in the county, indicating the times and places at which complete copies of the proposed budget and accompanying materials are available for inspection by the public.

SECTION 5-3 Budget Message The budget message submitted by the board of county commissioners shall explain the proposed budget for all county agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the county for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the county's debt position; and it shall include such additional information as the board of county commissioners deems desirable or the county council may reasonably require.

SECTION 5-4 The Proposed Budget The proposed budget shall provide a complete financial plan of all county funds and activities. Except as may otherwise be required by general law or by the charter, it shall be in the form the board of county commissioners deems desirable, or as the county council may reasonably require. In the presentation of the proposed budget the board of county commissioners shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. The budget shall be arranged to show actual and estimated income and expenditures for the previous, current, and ensuing fiscal year and shall indicate, in separate sections:

(a) proposed expenditures for current operations during the ensuing fiscal year, detailed by county agency, function and work programs, and the proposed methods of financing such expenditures;

(b) proposed capital expenditures during the ensuing fiscal year, detailed by county agency, and the proposed methods of financing such expenditures; and

(c) estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

SECTION 5-5 Action on the Proposed Budget

(a) Public Hearing - The county council shall, within thirty days after receipt of the proposed budget, provide for the publication in a local newspaper of a notice stating the date, time and place, not less than seven nor more than fourteen days following such publication, when a public hearing will be held by the county council, or a committee of the county council, on the proposed budget.

(b) Review - The county council shall consider, in open public meet-

ings, the detailed expenditures proposed for each county agency and may confer with representatives of any county agency in connection with its review and consideration. The county council may require the board of county commissioners, or any other county agency through the board of county commissioners, to furnish it with such additional information as it may deem necessary to assist it in its review of the proposed budget.

(c) Action by County Council - The county council shall adopt a budget for the ensuing fiscal year not later than the first day of June in the preceding fiscal year. In acting upon the budget the county council may increase or decrease any item contained in the proposed budget as submitted by the board of county commissioners except any sums required for debt service or other obligations of the county; provided, however, that the budget as adopted is in balance and that revenue sources equal or exceed the total amount voted to be expended. If the county council has not adopted a budget on or before the first day of June in any year the proposed budget as submitted by the board of county commissioners shall be deemed to be in effect and the sums as provided in the said budget shall be available for the purposes indicated.

SECTION 5-6 Capital Improvement Program The board of county commissioners shall submit a capital improvement program to the county council at least thirty days prior to the date fixed by ordinance for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

(a) clear, concise, general summary of its contents;

(b) listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure;

(c) cost estimates, methods of financing and recommended time schedules; and

(d) the estimated annual cost of operating and maintaining any new facility or piece of major equipment involved;

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

SECTION 5-7 Audit An independent audit of the county's finances shall be performed at intervals not greater than two years, by a certified public accounting firm with experience in municipal and other public agency audits, chosen by the county council.

ARTICLE 6

JOINT PERFORMANCE OF FUNCTIONS

SECTION 6-1 Purpose Units of local government shall be encouraged to make the most effective and efficient use of their powers and their resources and may cooperate with one another, through the county, to provide services and facilities in a manner that will best serve geo-

graphic, economic, population, and other factors and without regard for any existing political boundaries.

The term "service function" as used in this article is intended to mean any local government service, or group of closely allied local governmental services performed by a unit of local government for its inhabitants and for which, under constitutional and statutory provisions and judicial interpretation, units of local government, as distinguished from the state government, have the primary responsibility to provide and to finance. For the purpose of illustration only, and without in any way intending to limit the foregoing, the following are current examples of some local service functions:

1) public works, including street and road layout, construction and maintenance; dredging of channels and harbors;
2) refuse and garbage removal, collection and disposal;
3) public health services;
4) building inspection, including, wire, gas and plumbing inspections;
5) water supply, treatment and distribution;
6) sewage collection, treatment and disposal;
7) police, fire and other public safety services;
8) parks, playgrounds and other recreation related facilities and programs;
9) assessment of real and personal property;
10) planning and zoning;
11) transportation;
12) insurance.

The term "unit of local government" means Plymouth county or any city or town government or any special purpose district, including sewer or water districts in Plymouth county.

SECTION 6-2 Interlocal Contracts

(a) Scope - The county may contract with any unit of local government to provide for such unit any local service function which the unit of local government is authorized to perform, provided that such contract shall be first ratified or approved by the legislative body of such unit of local government.

(b) Contents of Agreements - Every contract entered into by the county for the provision of services to units of local government shall contain at least the following provisions:

1) its duration or other term;
2) the precise organization, composition, and nature of any administrative entity established for the purpose of overseeing the delivery of any such service function;
3) the exact nature of the service, activity, undertaking or function which is to be provided;
4) the manner of financing, establishing and maintaining a budget and of accounting and other record keeping requirements;
5) the method by which amendments to the agreement are to be proposed and adopted, including provision for complete or partial recision or

termination of the agreement;

6) the manner by which any materials, supplies or other property acquired during the period of the agreement are to be distributed in the event of a termination; and may contain

7) any other necessary or proper matters to such an agreement.

(c) Appropriations, etc. – Any unit of local government entering into an agreement pursuant to this section may appropriate funds and may sell, lease, give, or otherwise supply or make available to the administrative entity charged with oversight of the service function, personnel, services, materials, supplies including real or personal property, as may be mutually agreeable to the parties.

SECTION 6-3 Transfer of Functions Whenever two or more units of local government in Plymouth county shall determine, by the adoption of substantially similar resolutions of their legislative bodies that duplication exists in the operations, procedures or functions of such units, or that such operations, procedures or functions can more effectively and efficiently be exercised or provided as a consolidated activity performed by a single intergovernmental office or agency, such units of local government are hereby authorized to petition the county council to provide for the establishment of a single office or agency in which to consolidate any or all of the operations, procedures, functions performed or carried out by such individual offices or agencies.

The county council shall review all such petitions as are received by it requesting the establishment of a consolidated office or agency to provide a local service function and shall, in conjunction with designated representatives of the units of local government concerned, act to develop such consolidated agency as in each particular circumstance best meets the needs of the units concerned.

Except when otherwise specifically provided in the resolutions adopted by the respective legislative bodies in the transfer of a power or function from a unit of local government to a consolidated agency or office such consolidated office or agency shall be the successor in every way to the powers, duties, functions and obligations now or hereafter granted to or imposed by law upon the offices and agencies thus consolidated.

The ordinance establishing a consolidated office or agency for any two or more units of local government shall be substantially in conformity with the provisions of section 6-2.

Before any such consolidation shall become effective the ordinance as finally adopted by the county council shall be presented to the legislative bodies of the affected units of local government for acceptance.

SECTION 6-4 Subordinate Service Areas

(a) Creation by County Council – The county council may establish a subordinate service area in any portion of the county by adoption of an appropriate ordinance as a response to the provision of services to any two or more units of local government either by contract or by consolidation.

The ordinance shall specify the service or services to be provided, the territorial boundaries and the manner in which such service area is to be governed or administered.

(b) Creation by Petition - A petition signed by one per cent of the voters in each of two or more units of local government in the county may be presented to the county council requesting the establishment of a subordinate service area comprised of the said units of local government for the provision of a particular service or services.

Upon receipt of a petition on which the signatures of voters have been verified by the board of registrars of voters in the units concerned, the county council shall hold a public hearing on the question of whether or not such subordinate service area shall be established.

Within thirty days following the adjournment of the public hearing the county council shall approve or disapprove the establishment of the requested subordinate service area. An ordinance providing for such subordinate service area may differ from the petition as originally presented, but no ordinance establishing such a subordinate service area shall become effective until it shall have been approved by the legislative bodies in the communities concerned.

ARTICLE 7

MUNICIPAL PETITIONS, CITIZEN INITIATIVES, REFERENDUM, RECALL

SECTION 7-1 Municipal Petitions The county council shall hold a public hearing and act finally on every petition which is submitted to it which has been approved or otherwise endorsed by the legislative body of any city or town in the county. The public hearing shall be held within six weeks following the date the petition is submitted to the county clerk and the final vote on the petition shall be taken within six weeks following adjournment of the public hearing. Hearings on two or more petitions filed under this section may be held at the same time and place. In addition to notice by publication as otherwise required, the county clerk shall give at least fourteen days notice of the public hearing to the city or town clerk of the community having filed the same.

SECTION 7-2 Citizens Initiative Measures

(a) Commencement - Initiative procedures may be commenced by the filing of an initiative petition with the county clerk. The petition shall be addressed to the county council and shall contain a request for the passage of a particular measure which shall be set out in said petition or by attachment to the said petition. The petition shall be signed by not less than three per cent of the total number of voters of the county as of the date of the most recent state election; provided, however, not more than twenty-five per cent of the signatures shall be from any one district into which the county is divided for electing members of the county

council. Signatures to the said petition need not all be on one paper but all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk the petitions shall have been certified by the boards of registrars of voters of each city and town in which collected. The board of registrars of voters in each municipality in which such petition forms are filed shall, within seven days following their submission, certify the signatures which are the names of the voters in their respective municipality.

(b) Referral to County Legal Officer - If the county clerk shall have verified the initiative petition has been filed by a sufficient number of voters a copy of the particular measure contained in the said petition shall forthwith be directed to the office of the county legal officer. Within ten days following receipt of the copy of the said measure the county legal officer shall, in writing, advise the county council whether the measure as proposed may validly be proposed by the initiative process and whether such measure may lawfully be adopted by the county council. If the opinion of the county legal officer is that the measure does not qualify for the initiative procedure, or that the measure may not lawfully be adopted by the county council the reasons for such opinion shall be stated in full and a copy of the said opinion shall be furnished to the committee designated on said petition as having filed the same.

(c) Action on Petition - Within thirty days following the date a petition has been returned to the county council by the county legal officer having been found by such officer to be conformable to law, the county council shall act with respect to such petition by adopting the same or by adopting a measure which is stated to be in lieu thereof, or by rejecting it. The passage of a measure which is stated to be in lieu thereof shall be deemed a rejection. If the county council has failed to act on such measure within the said thirty days it shall be deemed to have been rejected on the said thirtieth day. If an initiative measure is rejected the county clerk shall forthwith give notice of such fact in writing to the committee designated as having filed the same.

(d) Supplementary Petitions - Within forty-five days following the date of the notice given by the county clerk to the petitioners committee a supplementary initiative petition may be submitted to the county council. The supplementary initiative petition shall be signed by a number of additional voters which is at least equal to one per cent of the total number of persons registered to vote in the county as of the date of the most recent state election; provided, however, that not more than twenty-five per cent of the signatures shall be from any one municipality into which the county is divided. Signatures to the said supplementary petition need not all be on one paper but all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk, the petitions shall have been certified by the boards of registrars of voters of each municipality in which collected. The board of registrars of voters in each municipality in which such petition forms are filed shall, within seven

days following their submission, certify the signatures which are the names of voters in their respective municipality. If the number of signatures is deemed to be sufficient the county council shall make provision for the submission of the question to the voters at the next biennial state election occurring ninety or more days following the date of the certificate that the petitions do contain the names of at least one per cent of the voters of the county and that a valid supplementary petition has been filed.

(e) Publication - The full text of the proposed measure shall be printed and distributed by the county council to each residence in the county known to contain one or more registered voters not less than two weeks prior to the date of the election at which the question will be voted upon.

(f) Form of Ballot Question - The ballots used when voting on a measure proposed by voters shall contain a question in substantially the following form:

"Shall the following measure which was proposed by an initiative petition of voters take effect?"

(Insert here the text of the measure, or, a fair, concise summary of the proposed measure prepared by the county legal officer.)

(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 7-3 Citizen Referendum Procedures

(a) Referendum Petition, Effect on Final Approval - Within twenty-one days following the date on which the county council has given final approval to any measure a petition signed by a number of voters equal to not less than one per cent of the total number of persons registered to vote in the county as of the date of the most recent state election may be filed with the county clerk protesting against such measure or any part thereof from taking effect. The county council shall forthwith following receipt of such a petition reconsider such measure or part thereof, and if such measure or part thereof is not then rescinded, the taking effect of such measure shall be suspended pending the submission of the same to the voters. The county council shall submit the same to the voters at the next regular state election.

(b) Certain Initiative Procedures to Apply - The petition described in this section shall be termed a referendum petition and insofar as applicable the procedures described in section 7-2 shall apply in respect thereto except that the words "measure or part thereof" shall be understood to replace the words "proposed measure" in said section and the word "referendum" shall be deemed to replace the word "initiative" where it may occur.

SECTION 7-4 Excluded Matters The following matters shall not be deemed to be within the scope of the provisions for citizen initiative and referendum: (1) proceedings relating to the internal organization or operation of the county council; (2) an ordinance passed in conformity

with section 2-9; (3) the county budget as a whole; (4) a revenue loan order; or, (5) any appropriation for the payment of any county debt or other obligation.

SECTION 7-5 Submission of Other Measures to Voters The county council may, on its own motion, submit to the voters of the county for adoption or rejection at any regular state election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as is provided in this article for submission by petition.

SECTION 7-6 Recall of County Officers

(1) Application - Any person who holds an elected county office, with more than thirty-two months remaining of the term of office at the time of the filing of the application, may be recalled from the office by the voters in the manner provided in this section.

(2) Recall Petitions - One hundred and fifty or more voters may file with the county clerk an application for a recall election which shall consist of an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. If the officer is elected from the county at large the signatures on such applications shall contain the names of at least twenty-five voters in any six communities within the county; if the officer is elected from any district into which the county is divided the signatures on such applications shall contain the names of at least twenty-five voters from any six precincts within the said district. When submitted to the county clerk the signatures shall bear the certification of the registrars of voters of the city or town in which collected that they are the names of voters in said city or town.

The county clerk shall certify such applications with regard to the sufficiency and validity within seven days and shall thereupon deliver to the ten persons first named on such applications, petition blanks demanding said recall, printed forms of which the county clerk shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the county council; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the county clerk. The recall petitions shall be returned to the office of the county clerk within twenty days following the date they are issued, signed by at least fifteen per cent of the total number of persons registered to vote in the county as of the date of the most recent state election if the officer is elected at large and by fifteen per cent of the total number of persons registered to vote in the district as of the date of the most recent state election if the officer is elected from a district.

The county clerk shall within three days following such filing, submit the petitions to the board of registrars of voters in the several cities and towns from which collected which boards of registrars of voters shall within five days thereafter certify thereon the number of signatures

which are the names of voters.

(3) Recall Elections - The county clerk shall review the petitions as certified by the registrars of voters of the several cities and towns and if the county clerk determines that collectively the petitions are sufficient, the county clerk shall forthwith submit the same with a certificate so stating to the county council, a copy of which shall simultaneously be filed by said county clerk with the office of the secretary of the commonwealth. Upon its receipt of the certified petition, the county council shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign from office within five days following delivery of the said notice, the county council shall order a question relating to the recall of such officer to appear on the ballot at the next regular state election which is to be held at least one hundred and fifty days following the date of the certification by the town clerk that the recall petition is sufficient. A copy of said vote of the county council shall, forthwith upon its adoption, be filed by the county clerk with the office of the secretary of the commonwealth. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(4) Nomination of Candidates - An officer sought to be recalled may be a candidate to succeed to the same office and, unless the officer requests otherwise, in writing, the county clerk shall place the name of the officer on the ballot without nomination. Notwithstanding any other provision of law to the contrary, the nomination of other candidates for the office shall be by nomination papers, in conformity with the provisions of law relating to nomination of persons for the same office when it is otherwise to be filled at an election except that the time for the filing of such papers with the office of the secretary shall be on or before the first Wednesday in August. The names of candidates shall appear only on the ballot used at the state election and in conjunction with the recall question, as provided below, and candidates shall not be nominated at the state primary election.

(5) Propositions on the Ballot - The ballots used at an election at which a question relating to the recall of a county officer is to be submitted to the voters shall be substantially the following form:

For the recall of (insert name) present county (insert name of office)

Against the recall of (insert name) present county (insert name of office)

Adjacent to each proposition shall appear a place to vote for either of said propositions. Following said propositions on the ballot shall appear the word "candidates" and the names of candidates to succeed to the office if a majority of the votes cast upon said propositions is in the affirmative. The names of candidates shall be arranged as otherwise provided by law.

If a majority of the votes cast are in favor of the recall of the officer, the officer shall be deemed to be recalled and the candidate receiving the higher number of votes for the office shall be declared to be elected

as successor to the office, to serve for the balance of the then unexpired term.

(6) Officeholder - The incumbent shall continue to hold office and perform the duties until the recall election. If not then recalled, the officer shall continue in office for the remainder of the unexpired term, subject to recall as provided in paragraph (7).

If the officer is recalled, the office shall be deemed vacant upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(7) Repeat of Recall Petition - No recall shall be filed against an officer within six months after taking office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

(8) Notice to Secretary of Commonwealth - Whenever, pursuant to the provisions of this article relating to initiative and referendum and recall the county council intends that a question is to appear on the state election ballot the county clerk shall at the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question, or questions, and the form in which such question or questions are to appear on such ballots.

ARTICLE 8

ELECTION RELATED MATTERS

SECTION 8-1 Elections The regular elections for county offices shall be held in conjunction with the biennial state election.

SECTION 8-2 Application of State Election Laws Except as is expressly provided in this charter all county elections shall be in conformity with and shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary or primary elections, special elections and regular elections, the submission of propositions to the voters, the counting of votes and the declaration of results.

SECTION 8-3 Nominations The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of candidates for the office of county commissioner, county treasurer or register of deeds the nomination papers shall be signed in the aggregate by at least one thousand voters of the county.

In the case of candidates for the office of county councillor the nomination papers shall be signed in the aggregate by at least fifty voters of the district from which election is sought. Elections for the office of county councillor shall be non partisan and the names of candidates shall not appear on the ballot at the state primary election. All persons who have filed nomination papers having in the aggregate the names of fifty

or more registered voters shall be entitled to have their names appear on the ballot at the general election.

The office of the secretary of the commonwealth shall supply candidates for county office with nomination papers and shall issue certificates of nomination to candidates through the office of the county clerk.

Every nomination paper for a candidate for county councillor shall be submitted to the registrars of voters of the municipality where the signers appear to be voters on or before five o'clock post meridian on the twenty-eighth day preceding the day on which it must be filed with the county clerk. Nomination papers shall be filed by the candidate with the county clerk on or before the eleventh Tuesday preceding the day of election. The county clerk shall certify a correct list of candidates to the secretary of the commonwealth on or before the tenth Tuesday preceding the day of election. If the secretary of the commonwealth shall fail to receive said certified list of candidates on or before said date, the names of candidates shall not be printed on the ballot. The county clerk shall receive the election results from the municipal clerks, shall tabulate the results and shall certify those elected.

If the secretary of the commonwealth cannot accommodate the names of all candidates for county office on the ballot in any particular community such officer may, in such cases, prepare a separate ballot for candidates for county offices.

SECTION 8-4 Establishment of Council Districts The territory of the county shall be divided into fifteen districts so established as to consist of as nearly an equal a number of inhabitants as it may be possible to achieve. For the purpose of this section population shall be based on the most recent federal census. In establishing district lines attention shall be given to the diversity of the county and the disparity in the population of communities. Insofar as practical small towns shall be grouped together and not included in the same district with a city having a population of more than seventy-five thousand inhabitants. No town consisting of less than six thousand inhabitants shall be divided.

The county council shall from time to time, at least once in every ten years in the year following a federal census, provide for a review of such districts to be made to insure their uniformity in number of inhabitants. Such review shall be made by a committee to consist of one city clerk and four town clerks chosen by the county clerk, subject to the approval of the county council. Whenever such a review is made the county council shall allow for a thirty day review period to be followed by a public hearing before it shall vote to make any new district boundaries final.

ARTICLE 9

GENERAL PROVISIONS

SECTION 9-1 Charter Changes This charter may be replaced, revised or amended in accordance with the procedure made available under chapter thirty-four A of the General Laws and it may also be amended in accordance with the following procedures.

The county council may, by a two-thirds vote of its full membership, provide for the submission of any proposed amendments to this charter to the voters except any amendment which relates in any way to the composition, mode of election or term of office of the legislative body or of the mode of election, or appointment, or term of office of the chief executive or administrative officer of the county. Amendments proposed by the county council shall become effective if approved by a majority of the voters voting thereon at the next regular county election held more than one hundred and fifty days following the date of the vote of the county council.

Amendments to this charter which relate in any way to the composition, mode of election, or term of office of the legislative body, or the election or appointment or term of office of the chief executive or administrative officer of the county shall be proposed to the voters only after approval of a petition approved by the state legislature.

The county council may, by a majority vote, file a petition for a special law relating to the organization or operation of the county government with the clerk of either branch of the General Court at any time. Such petitions shall, upon receipt be referred by such clerk to an appropriate legislative committee.

Whenever, pursuant to the provisions of this section relating to charter amendments, the county council intends that a question is to appear on the state election ballot the county clerk shall at the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question, or questions, and the form in which such question or questions are to appear on such ballots.

SECTION 9-2 Specific Provisions to Prevail To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

SECTION 9-3 Rules and Regulations A copy of all rules and regulations adopted by county agencies shall be placed on file in the office of the county clerk and made available for review by any person who shall request such information. No rule or regulation adopted by any county agency shall become effective until ten days following the day it is so filed in the office of the county clerk.

SECTION 9-4 Periodic Review, Charter and Ordinances

(a) Charter/Ordinance Review - At least once in every five years, in years ending in a five or in a zero, the county council shall provide for a special committee to be established which shall be charged with the responsibility of reviewing the then-existing charter and ordinances of

the county for the purpose of determining if any amendments or revisions may be necessary or desirable, and to make a report, with recommendations, to the county council concerning any proposed amendments or revisions which said committee may deem to be necessary or desirable. Such review may be conducted under the supervision of the county legal officer, or if the county council so directs, by special counsel retained for that purpose. The committee shall include representation of municipal officials of the cities and towns which comprise the county.

Reports, with recommendations, should be submitted to the county council not more than ten months following the date such committee is appointed.

(b) Copies of Charter and Ordinances - Copies of the charter and ordinances of the county, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the county clerk. A fee, not to exceed the actual cost of reproduction of the said material, or in accordance with fees established by general law, may be charged. In any interval between publication of the charter or ordinances, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or ordinances since last published in consolidated form.

SECTION 9-5 Loss of Office, Excessive Absence If any person appointed to serve as a member of a multiple member body shall fail to attend three or more consecutive meetings, or more than one-half of all meetings held during one calendar year, the remaining members of the multiple member body may by vote of a majority of the remaining members declare the office of such person vacant, provided that prior to the vote on such question, written notice of an intention so to do shall be given in hand, or mailed to the last known address of such person.

SECTION 9-6 Procedures Governing Multiple Member Bodies

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the county as they may, by vote, prescribe. Special meetings of any multiple member body shall be held upon the call of its chairperson, or by one-third of the members thereof, by written notice indicating the subject to be acted upon to each member at least seventy-two hours in advance of the time set, except in the case of emergency. A copy of the same notice shall be posted on the county bulletin board. Regular meetings of all multiple member bodies shall be held in public buildings in Plymouth county.

(b) Rules and Minutes - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter, by ordinance, or by law. Each multiple member body shall also provide for the keeping of minutes of its own proceedings.

(c) Voting - If requested by any member, any vote of a multiple member body shall be taken by a roll call and the vote of each member shall be recorded in the minutes; provided, however, that if any vote is

unanimous only that fact need be recorded.

(d) Quorum - A majority of the full membership of a multiple member body shall constitute a quorum, but a lesser number may meet and adjourn from time to time. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority vote.

(e) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such a vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

SECTION 9-7 Notice of Vacancies

(a) Posting - Whenever a vacancy occurs in any county agency or county employment, the county executive or other appointing authority shall forthwith cause public notice of the vacancy to be posted on the county bulletin board for not less than fourteen days and advertised for two successive weeks in a local newspaper.

(b) Contents - The aforesaid notices shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications therefor.

(c) Exception - This section shall not apply to positions covered by the civil service law and rules or to the extent that it conflicts with the requirements provided under the terms of a collective bargaining agreement.

(d) Publication, List of County Officers - Every January, the county executive shall place an advertisement notice in a local newspaper listing all appointed county positions together with the term of office of each.

SECTION 9-8 Removals and Suspensions

(a) Scope - Any appointed officer or employee of the county, not covered by the provisions of general law or the terms of a collective bargaining agreement, whether appointed for a fixed or an indefinite term, may be suspended or removed from duty by the appointing authority.

(b) Procedure - The appointing authority, when acting to remove or to suspend any appointed officer or county employee, shall act in accordance with the following procedure:

(1) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefor shall be delivered in hand to the officer or employee, or mailed, by registered or certified mail to the employee's last known address.

(2) Within five days following delivery of the said notice, the officer or employee may request a hearing by submitting, in writing, a request

therefor to the appointing authority, and by filing a copy of said request in the office of the clerk of the county council.

(3) The appointing authority shall hold a hearing not less than seven nor more than fourteen days following the date of receipt of a request therefor, and shall give not less than five days written notice of such hearing to the officer or employee affected. The officer or employee shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses and to introduce evidence at the hearing. The hearing shall be conducted in conformance with section twenty-three B of chapter thirty-nine of the General Laws.

(4) Not more than fourteen days following the hearing, or not more than fourteen days following the delivery of the original notice of intent if no public hearing has been requested, the appointing authority shall take final action on the removal or suspension and shall, forthwith, notify the officer or employee of the removal or suspension, or that the notice of intent has been rescinded.

SECTION 9-9 Definitions Unless the context clearly requires otherwise the following words as used in this charter shall have the following meanings:

"Charter", this charter and any amendments to it which may hereafter be adopted.

"County", the county of Plymouth.

"County Agency", any board, commission, committee or other multiple member body, or any department, division, or office of the county of Plymouth.

"County Bulletin Boards", the bulletin board in the Plymouth county court house buildings on which official notices are posted, and those at such other locations within the county which may, from time to time, be established by vote of the county council.

"County Officer", when used without further qualification or description, a person elected to a county office or a person having charge of an office or department of the county, who in the exercise of the powers or duties of the office exercises some portion of the sovereign power of the county.

"Days", business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.

"Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

"Local Newspapers", at least three daily newspapers of general circulation in one or more parts of the county.

"Majority Vote", a majority of the members of a multiple member body present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rules.

"Multiple Member Body", any county body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not the county council.

"Voters", persons who are registered to vote in any city or town comprising the county of Plymouth.

SECTION 9-10 Nepotism Forbidden Every elected and appointed county official is prohibited from participating in any particular matter in which any member of their immediate family has a financial interest.

It is the intention of this charter that all persons serving in or under the government of Plymouth County shall at all times conduct themselves to the highest moral standards. While it is recognized that all persons serving in or under the government of Plymouth County shall be subject to the provisions of chapter two hundred and sixty-eight A of the General Laws nothing in the said chapter or in this charter shall be construed from permitting the county, by ordinance, to establish more restrictive standards.

ARTICLE 10

TRANSITIONAL PROVISIONS

SECTION 10-1 Effect on Laws All general laws, special laws, rules and regulations of or pertaining to the county that are in force when this charter takes effect and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed or rescinded by due course of law or until they expire their own limitation.

SECTION 10-2 Continuation of Government All county agencies shall continue to perform their duties until re-appointed, or re-elected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another county agency.

SECTION 10-3 Transfer of Records and Property All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another county agency, shall be transferred forthwith to such agency.

SECTION 10-4 Continuation of Personnel Any person holding a county office or employment under the county shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this charter for the performance of such duties by another person or agency. No person in the permanent, full-time service or employment of the county shall forfeit pay grade or time in service. Each such person shall be retained in an employment capacity as similar to their former employment capacity as is feasible.

SECTION 10-5 Time of Taking Effect This charter shall not become fully effective until the first Wednesday in January in the third year

following the year in which this charter has been ratified by the voters of Plymouth county.

Upon its ratification by the voters, this charter shall become effective for the limited purposes as otherwise provided in this section:

(a) The board of county commissioners shall, forthwith following its reorganization in January in the year following the year in which this charter is adopted, appoint a special commission, to consist of seven members, at least three of whom shall have been members of the Plymouth county charter commission, for the purpose of preparing an administrative code to be submitted to the county council when it organizes in January of the third year following the year in which this charter is adopted. The proposed administrative code shall, in detail, provide for the operation and organization of Plymouth county which will take effect simultaneously with the organization of the new county legislative and executive branches and shall govern until such time as the provisions of such temporary administrative code are changed or modified by the county council in accordance with the provisions of article 4 of this charter.

(b) The board of county commissioners shall, forthwith following its reorganization in the year following the year in which this charter is adopted, appoint a special districting commission for the purpose of establishing the boundaries of the fifteen districts from which members of the county council are to be elected. The commission shall consist of one city clerk and four town clerks chosen from a list of nominees prepared by the town clerks of the county. The special districting committee shall, not later than the last day of December in the year in which it is established publish, in the manner provided in section 2-10(i) of the charter, a proposed division of the county into fifteen council districts as nearly equal in population as it is possible to achieve, and which avoids grouping, insofar as is possible, urban areas with rural areas. A copy of the preliminary report of the special districting commission shall, in addition, be submitted to the office of the secretary of the commonwealth for comment and suggestion. The special districting commission shall, following such publication, hold one or more public hearings concerning its proposal in each of the proposed districts.

All nomination papers for the office of county councillor shall be prepared, distributed and certified through the office of the secretary of the commonwealth for the first election under this charter.

(c) The board of county commissioners and the advisory board on county expenditures shall during the period between the election at which this charter is adopted and the date on which the new charter shall take full effect assist in every way possible in the smooth and orderly transition from the existing form of county government to the new form of county government. Such assistance shall include the provision of funds to assist the special commission on administration and the special commission on districting, the provision of office space, space for meetings and public hearings and reasonable amounts of clerical assistance.

(d) Forthwith following the certification of the election results of the first election of county councillors under this charter the members elected shall be called together by the secretary of the commonwealth, or his designee, who shall present to each member a certificate of election, swear the members to the faithful performance of their duties and shall preside pending the temporary organization of the county council.

Forthwith following its temporary organization the members of the first county council shall provide for the preparation of temporary rules and regulations governing the conduct of its meetings, provide for temporary officers and committees and shall take such other steps as seem necessary or desirable to enable it to begin to function as the county legislative body effective with its formal organization on the first Wednesday in January in the year following the year it is elected.

(e) At the next regular state election held following the election at which this charter is adopted two additional persons shall be elected to serve as members of the board of county commissioners for terms of four years each. The terms of office of the members of the board of county commissioners shall be so arranged that not more than three such terms expire at each biennial state election. Forthwith following the certification of the election of such persons they shall take and subscribe to the oath of office and shall forthwith assume their duties as members of the board of county commissioners.

(f) Until such time as the county council shall act, in accordance with section 2-3, to establish a different level of compensation, each member of the county council shall receive an annual salary of one thousand dollars.

(g) Until such time as the county council shall act, in accordance with section 3-1(b), to establish a different level of compensation, each member of the board of county commissioners shall continue to receive the same salary as a member of such board as was in effect prior to the adoption of this home rule charter.

SECTION 2. In Plymouth county, in addition to the excise imposed on deeds, instruments and writings pursuant to the provisions of section twenty-three of chapter sixty-four D of the General Laws and chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, an additional excise on such deeds, instruments and writings filed with the register of deeds of said county may be imposed, by an ordinance adopted by the county council in accordance with the Plymouth County Home Rule Charter, at a rate up to but not exceeding the rate imposed by the commonwealth under such statutes. The revenue provided by this additional excise shall be retained by Plymouth county.

SECTION 3. The state secretary shall cause to be placed on the official ballot to be used in Plymouth county at the biennial election to be held in the year nineteen hundred and eighty-eight the following question:- "Shall an act passed by the general court in the year nineteen hundred and eighty-eight, entitled 'An Act providing a charter for

Plymouth county', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative then this act shall take effect but not otherwise.

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

Approved August 26, 1988.

Chapter 249. AN ACT PROVIDING A CHARTER FOR WORCESTER COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Worcester county shall be governed by the provisions of the following home rule charter if this act is accepted by the voters of Worcester county at the state election held in the current year. Worcester county shall thereafter be governed by the provisions of this act to the extent that the provisions of this act modify or are inconsistent with any special or general law the provisions of this act shall govern. Following is the proposed home rule charter of Worcester county:

ARTICLE 1

INCORPORATION AND POWERS

Section 1-1 Incorporation Worcester County, within the corporate limits established by law, shall continue to be a body politic and corporate for the purposes of suit, of buying, and holding, for county use, personal estate and land lying therein, and of contracting and doing other necessary acts relative to its property and affairs.

Section 1-2 Short Title This instrument shall be known and may be cited as the Worcester county home rule charter.

Section 1-3 Purposes Among the purposes for which this charter is adopted is the seeking of greater efficiency, economy and responsibility in county government and in regional level services to meet problems which cross municipal boundaries and which cannot be met effectively on an individual basis by municipalities or on a statewide basis by commonwealth.

Section 1-4 Powers of the County Subject only to express limitations on the powers which may be exercised by a county government in the

constitution or laws of the commonwealth, it is the intention and the purpose of the voters of Worcester county in approving this charter to obtain for the county government all of the powers it is possible for a county government to have, to hold and to exercise under the constitution and laws of the commonwealth as fully and as completely as if each such power were specifically and individually enumerated in this charter.

It is the intent of this charter to encourage a continuing review to be made of the functions being performed by the county government and to enable the county government to cause any duty that has been mandated to it, by law or otherwise, to be performed in the most efficient and expeditious manner possible, and without regard to the organizational, structural or personnel provisions contained in any prior law or laws.

Section 1-5 Construction The grant of powers under this charter is to be construed as broadly as is consistent with the constitution and the laws of the commonwealth relating to local government. Based upon the need to develop effective services to meet problems which cross municipal boundaries, to provide sophisticated services which might be beyond the ability of a single community to support and a desire to obtain the efficiencies and economics of scale, this charter shall be construed as intended to give to the county government the power and the authority to establish programs and to perform any service, activity or undertaking for, or on behalf of, any governmental unit which said governmental unit has the legal right to perform for itself, as such governmental unit may itself determine is in its own best interest to cause the county to perform for it, with it, or in its behalf, on a contractual basis, or otherwise.

Section 1-6 County Powers, Generally Without intending to limit the generality of county powers as stated in section 1-3 of this charter the following specific powers shall be available to the county government:

(a) Through the adoption, amendment or repeal of ordinances, or the provisions of an administrative code, to organize and regulate its internal affairs; create, alter and abolish agencies, offices, positions and employments and define the powers, duties responsibilities and functions thereof; establish qualifications for persons holding offices, positions and employments, provide for the manner of appointment and removal and the salary or other compensation to be paid.

(b) Adopt, amend, enforce and repeal ordinances and resolutions as provided in Article 2 and subject to the provisions for initiative and referendum as contained in Article 7.

(c) Construct, acquire, operate and maintain public improvements, projects or enterprises for any public purpose subject to such restrictions and limitations as are otherwise provided by law.

(d) Exercise powers of eminent domain, borrowing and taxation to the extent authorized by this charter and by law.

(e) Exercise all powers of county government in such manner as the county governing body shall determine, subject to rights of initiative and

referendum contained in Article 7.

(f) Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend funds for county purposes.

(g) Contract with or sign agreements with other governmental units for the provision of a joint, coordinated or cooperative service or function.

Section 1-7 Intergovernmental Relations The county government may enter into agreements with any other governmental unit, or group of such units, within or without the county, without regard to whether a governmental unit is a city, a town, a regional authority or a special district, to perform for it, with it, or in behalf of such governmental unit any service, activity or undertaking which such governmental unit is authorized to perform for itself. The county may become the agent for any other unit or units of government including the government of the United States and the commonwealth, in the performance of any and all functions services, activities and undertakings for which the contracting unit determines to employ the county as its agent.

The county government shall not perform any service for a governmental unit outside of its political boundaries unless authorized to do so by the governing body of the county within which such governmental unit is located. Nothing in this section shall be construed to prohibit the county government from performing services jointly with, or for, or in cooperation with another county by contract or otherwise.

Section 1-8 Form of Government/Division of Powers The legislative powers of Worcester county shall be vested in and shall be exercised by a county council. The executive and administrative powers shall be vested in and exercised by officers and agencies under the supervision and direction of a county manager.

ARTICLE 2

CODE OF STANDARDS

Section 2-1 Definition As used in this section: The term "county agency" shall mean any county department, or division, board, commission, or bureau of any county department or any public benefit corporation or public authority at least one of whose members is appointed by the governor.

The term "employee" shall mean any officer or employee of the county but it shall not include members of the county council.

Section 2-2 Standards

(a) No officer or employee of a county agency, member of the county council or council employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.

(b) No officer or employee of a county agency, member of the county council or council employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

(c) No officer or employee of a county agency, member of the county council or council employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.

(d) No officer or employee of a county agency, member of the county council or council employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

(e) No officer or employee of a county agency, member of the county council or council employee should engage in any transaction as representative or agent of the county with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

(f) An officer or employee of a county agency, member of the county council or council employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

(g) An officer or employee of a county agency, member of the county council or council employee, should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

(h) An officer or employee of a county agency, member of the county council or council employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

(i) No officer or employee of a county agency, member of the county council or council employee employed on a full-time basis nor any firm or association of which such a person is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such a person, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the county agency in which such officer or employee serves or is employed.

(j) Nepotism Forbidden. Every elected and appointed county official is prohibited from participating in any particular matter in which any member of their immediate family has a financial interest.

(k) No officer or employee of a county agency, member of the county council or council employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or

professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest. Nothing herein shall be construed as a limitation on the provisions of chapter two hundred and sixty-eight A of the General Laws.

Section 2-3 Violations In addition to any penalty contained in any other provision of law any such officer, member of the county council or council employee or officer or employee of a county agency who shall knowingly and intentionally violate any of the provisions of this section may be suspended or removed from office or employment in the manner provided by this charter.

ARTICLE 3

LEGISLATIVE BRANCH

Section 3-1 Composition, Mode of Election, Term of Office

(a) Composition - There shall be a county council consisting of seven members which shall exercise the legislative powers of Worcester county. The members of the county council shall be elected by and from the voters in the seven districts into which the county is divided for the purpose of electing such members.

(b) Eligibility - Any voter who at the time of the election has been a resident of the district from which election is sought for a period of one year or longer shall be eligible to hold the office of county councillor. A county councillor who during a term of office moves from the district from which elected shall forthwith be deemed to have resigned and the office shall be declared vacant by the remaining members of the county council.

(c) Election and Term - County councillors shall be elected for terms of four years each at the biennial state election held in every other even numbered year. The term of office for county councillors shall begin on the first Wednesday in January in the year following the year in which elected and shall continue until their successors have been chosen and qualified.

Section 3-2 Organization; Presiding Officer; Deputy Presiding Officer

(a) Organization - The county council shall meet on the first Wednesday in January of each year for the purpose of organization. They shall be called to order by the member present senior in years of service on the county council, who shall preside; provided, however, if two or more members have equal lengths of service, the member senior in both age and years of service shall preside. The county council shall then elect, from their own number, a council chairperson and a council vice-chairperson.

(b) Council Chairperson - The council chairperson shall preside at all meetings of the county council, regulate the proceedings and decide all

questions of order and shall have the same right to vote on any matter coming before the county council as any other member. The council chairperson shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the county council.

(c) Council Vice-Chairperson - The council vice-chairperson shall serve as council chairperson during the absence or disability of the council chairperson and shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the county council.

Section 3-3 Compensation The county council shall, by ordinance, establish an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first forty months of the term for which county councillors are elected and it provides that the salary is to become effective at the commencement of the term of the next county council to be elected.

Section 3-4 Powers and Duties, In General Except as is otherwise provided by law, or this charter, all legislative powers of the county shall be vested in the county council which shall provide for the exercise of all powers and the performance of all duties imposed upon the county in a manner consistent with the provisions of this charter.

Section 3-5 Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers - Except as is otherwise provided by this charter, or by law, the legislative powers of the county council may be exercised in a manner determined by it.

(b) Quorum - A majority of the county councillors shall constitute a quorum but a smaller number may meet and adjourn from time to time. The affirmative vote of a majority of the full county council shall be necessary to adopt any ordinance or appropriation order.

(c) Rules of Procedure - The county council may from time to time establish rules for its proceedings not inconsistent with the following:

(i) Regular meetings of the county council shall be held during the evening hours. The regular meetings of the county council shall be so scheduled as to cause at least two meetings of the county council to be held in each council district during each calendar year.

(ii) Special meetings of the county council may be held at the call of the council chairperson, or at the call of any three or more members, by written notice, delivered in hand, or to the place of residence, or business, of each member at least forty-eight hours in advance of the time set and which notice shall include the subjects to be acted upon at such special meetings.

(iii) Except as may otherwise be authorized by law all meetings of the county council and any committee or sub-committee thereof shall at all times be open to the public and to the communications media.

(iv) Every matter which comes before the county council shall be put

to a vote, the results of which shall be recorded. Voting shall be by voice, but, if requested by any member, a call of the role shall be taken and the vote of each member recorded in the journal. If the vote is unanimous, only that fact need be recorded.

(v) A full, accurate and up-to-date record of the proceedings of the county council shall be kept and shall be available for inspection by the public at any reasonable time.

Section 3-6 Clerk of the County Council The county council shall appoint, by a majority vote, to serve for a term of four years, a clerk of the county council. The clerk of the county council shall give notice of all meetings of the county council to its members and to the public, keep a journal and other records of all of its proceedings and perform such other duties as may from time to time be assigned to the office by ordinance, or by other vote of the county council.

Section 3-7 Prohibitions Except as provided in Section 4-4, no member of the county council shall individually or collectively seek to influence the county manager to dismiss any person from, or to appoint, or to promote any person to any position in the executive branch of county government.

The members of the county council shall deal with county officers and employees solely through the county manager. All contact with county employees, all actions and communications concerning county government, administrative activity and provision of services shall be solely through the county manager, except as is otherwise provided in this section.

This section shall not prohibit the county council from conducting an inquiry into any act or problem of the county's administration.

No member of the county council shall be eligible by appointment or election by the members of the county council to any office or position under the supervision of the county council. No former member of the county council shall hold any compensated county office or county employment until the expiration of one year following the termination of such service. This provision shall not prohibit a former county officer or employee who has taken a leave of absence from such duties while serving as a member of the county council from resuming such office or position following such service as a county councillor.

Section 3-8 Inquiries and Investigations Any member of the county council may at any time require a report on any aspect of the county by making a request in writing to the county manager.

The county council may require the county manager to appear before the county council sitting as a committee of the whole and to bring before the county council such records and reports, and such officials and employees of the county as the county council shall deem necessary to insure clarification of the matter under study.

The county council may, by majority vote of its full membership, dele-

gate any number of its members as an ad hoc committee to consult with the county manager on any matter and to report back to the full county council with the results of such meeting.

Section 3-9 Resolutions

(a) Vote Requirement - The affirmative votes of a majority of the members of the county council, present and voting shall be necessary to finally adopt any resolution.

(b) Resolutions - The following matters may be provided for by resolution and shall not be deemed to require an ordinance:

(i) the conduct of an inquiry or an investigation;

(ii) the adoption of rules governing the conduct of its own business;

(iii) the establishment of times and places for its own meetings;

(iv) the establishment of the county council as a committee of the whole and the delegation of its members as an ad hoc committee;

(v) the declaration of emergencies;

(vi) the identification of emergency situations;

(vii) the election, appointment and removal of such officers and employees as the board is permitted by this charter, or otherwise;

(viii) designation of newspapers to be used to give notice of county matters to the public;

(ix) approval of contracts presented by the county manager;

(x) actions specified as resolutions;

(xi) the expression of such board policies or opinions as requires no formal county council action.

Section 3-10 Ordinances

(a) Form - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be: "Worcester county hereby ordains:".

(b) Vote Requirement - The affirmative votes of a majority of the full membership of the county council shall be necessary to finally adopt any ordinance.

(c) Acts Required to be by Ordinance - In addition to such other acts as this charter or any other provision of law requires to be by ordinance, the following acts of the county council are required to be by ordinance:

(i) establish, alter and abolish any county department, office or agency;

(ii) fix the compensation for the members of the county council;

(iii) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is to be imposed;

(iv) make appropriations, or transfer appropriations from the account of one county agency to another;

(v) grant, renew or extend a franchise;

(vi) regulate the rate charged for any service provided to another governmental unit;

(vii) authorize the borrowing of money;

(viii) convey or lease, or authorize the conveyance or lease of any real estate belonging to the county;

(ix) to enter into bilateral or multilateral contracts with other governmental units within the county or contiguous to the boundaries of the county for the joint performance, or for performance by one governmental unit on behalf of the other or others of any governmental function or activity;

(x) adopt, with or without amendment, ordinances proposed by voters in accordance with the initiative procedures as provided in Article 6;

(xi) amend or repeal any ordinance previously adopted;

(xii) propose amendments to this charter;

(xiii) to accept presently governing personnel regulations.

(d) Procedures - Introductions - A proposed ordinance may be introduced by any member of the county council, or by the county manager, at any regular or special meeting of the county council.

The clerk of the county council shall forthwith distribute copies of the proposal to each member present and to the county manager, if present. After an ordinance has been introduced and unless it is rejected at the same meeting by the affirmative votes of a majority of the full membership, the county council shall promptly cause the proposed ordinance to be published together with a notice stating the time and place at which a public hearing will be held on consideration of the proposal.

Public Hearing - The public hearing on any proposed ordinance shall follow the required publication by at least one week. At the public hearing copies of the proposed ordinance shall be available for distribution to interested persons and all persons present shall be given the opportunity to be heard.

Action by County Council - The county council may adopt, with or without amendment, or reject, any proposed ordinance following the public hearing.

Publication of Adopted Ordinances - As soon as practicable following adoption of any ordinance it shall be printed and published.

Time of Taking Effect - Except as otherwise provided by this charter every adopted ordinance shall take effect on the thirty-first day following its adoption unless a later date is specified in the ordinance.

Publishing, Defined - As used in this section the term "published" means:

(1) That at least a brief summary of the proposed ordinance or adopted ordinance, has been published along with the required notice in local newspapers.

(2) That copies of the proposed ordinance or adopted ordinance, have been made available to all representatives of the communications media.

(3) That copies of the proposed ordinance or adopted ordinance have been distributed to the clerks of every city and town in the county for posting on municipal bulletin boards.

(4) That a reasonable number of copies of the proposed ordinance have been printed for free distribution to any interested person requesting the same, or in the case of an adopted ordinance, for sale, at a cost not to exceed the actual cost thereof to persons requesting the same.

Section 3-11 Emergency Ordinances The county council, in appropriate circumstances to meet a public emergency affecting life, health or property, may adopt emergency ordinances. No emergency ordinance shall be used to levy taxes; to grant, renew or extend a franchise; to regulate the rate charged for any service; or to authorize the borrowing of any money.

Emergency ordinances shall be submitted in this same manner as other proposed ordinances, but, every emergency measure shall be plainly designated as such and shall contain a preamble, which shall be separately voted upon, which declares that an emergency exists and which describes the emergency in clear and specific terms.

The affirmative vote of two-thirds of the full membership shall be necessary to adopt any emergency ordinance.

Every emergency ordinance shall automatically stand repealed on the sixty-first day following its adoption.

Section 3-12 Filling of Vacancies If a vacancy shall occur in the office of county councillor with more than six months remaining of the term for which councillors are elected, a successor shall be chosen in accordance with the following procedure:

The clerk of the county council shall cause a notice of said vacancy to be sent to the clerk of each municipality in the district in which the vacancy exists. The clerks of said municipalities shall forthwith cause such notice to be posted on their municipal bulletin boards. Any voter of the district who desires to be considered to fill such vacancy shall, in writing, so advise the clerk of the county council. Not less than fourteen nor more than twenty-eight days following the date on which notice of the vacancy was sent to the municipal clerks of the district, the clerk of the county council shall call a convention of the chief executive officers of each municipality in the district, including in such notice copies of all materials received from persons desiring to be considered to fill such vacancy. The said chief executive officers shall fill such vacancy by casting votes in the same percentage the population of their municipality represents to the population of the district in which the vacancy exists.

If a vacancy shall occur in the office of county councillor with less than six months remaining of the term for which councillors are elected, the position shall not be filled as provided above, but the person elected to the office at the regular state election shall, forthwith, subscribe to the oath of office and shall, in addition to the term for which otherwise elected, serve for the balance of the then unexpired term.

ARTICLE 4

COUNTY MANAGER

Section 4-1 County Manager, Qualifications; Term of Office; Compensation

(a) Appointment, Qualifications - The executive officer of the county

shall be a county manager, who shall be appointed by majority vote of the county council to serve for an indefinite term. The county manager shall be a person especially fitted by education, training and previous public administration to perform the duties of the office. The county manager need not be a resident of the county at the time of appointment to the office but, unless excused therefrom by vote of the county council, the county manager shall establish a residence in the county within a reasonable time. The county manager shall devote full time to the office and shall hold no other public office elected or appointed, nor be actively engaged in any other business, occupation or profession while serving as county manager.

(b) Compensation - The county council shall, by ordinance, establish an annual salary for the county manager. The salary shall be reasonable and commensurate with the duties of the office and may not be lowered during the tenure of an incumbent.

Section 4-2 Executive Powers The executive powers of the county shall be vested in the county manager and may be exercised either personally by such officer or through the several county agencies under the direction and supervision of that office. The county manager shall cause this charter, the laws and the ordinances and orders for the government and administration of the county to be enforced.

The county manager shall exercise a general supervision and direction over all county agencies, unless otherwise provided by law. Each county agency shall furnish to the county manager, forthwith when so requested, any information, materials or otherwise as the county manager may request and as the needs of that office and the interest of the county may require.

Section 4-3 Powers and Duties The county manager shall have, possess and may exercise all the powers, rights and duties commonly associated with the office of a local governmental unit. The powers and duties of the county manager shall include, but are not intended to be limited to, the following:

(a) prepare and submit to the county council for its consideration and adoption an annual operating budget, and a capital outlay budget, as provided in Article 5;

(b) establish the schedules and procedures to be followed by all county departments, offices and agencies in connection with their budgets and supervise and administer all phases of the budgetary process following adoption of the budget by the county council and county advisory board, throughout the fiscal year;

(c) supervise the care and custody of all county property, institutions and agencies;

(d) keep the county council and the public fully informed as to the administrative condition of the county by filing reports with the county council, at least quarterly, summarizing such condition;

(e) to make at any time such recommendations to the county council

for actions required to be taken by it as the county manager deems necessary for the improvement of the county and the welfare of its residents;

(f) sign all contracts, bonds or other instruments requiring the consent of the county subject to the approval of the county council;

(g) review, analyze and forecast trends of county services, programs and finances and make such recommendations to the department heads and other personnel affected as the county manager shall deem necessary, desirable or expedient;

(h) at any time to inquire into the conduct of office or performance of duty of any county officer, department head or employee;

(i) to be responsible for the conduct of all negotiations with county employees concerning wages, hours and other conditions of employment and the execution of all contracts relating thereto;

(j) may authorize any subordinate officer or employee of the county to exercise any power, function or duty assigned by this charter to the county manager provided, however, that all acts which are performed under any such delegation shall be deemed to be the acts of the county manager.

Section 4-4 Appointments by County Manager The county manager shall appoint and in appropriate circumstances may remove, subject to the provisions of any collective bargaining agreements as may be applicable, all county officers, department heads, members of multiple member bodies and all county employees for whom no other method of selection is provided by this charter. Such action shall become effective on the fifteenth day following the day on which notice of the proposed action is filed with the county council, unless the county council shall, within such period by a majority vote of its members have voted to reject such appointment, or has sooner voted to affirm it. Copies of notices of all proposed appointments shall be posted on the county bulletin boards when filed with the county council.

Section 4-5 Acting County Manager

(a) Temporary Absence - The county manager shall by letter filed with the clerk of the county council, designate a qualified county officer or employee to exercise the powers and perform the duties of the county manager during a temporary absence. During the temporary absence of the county manager the county council may not revoke such a designation until at least ten working days have elapsed, whereupon it may designate another qualified county officer or employee to serve as acting county manager until the county manager shall return and assume the duties.

(b) Vacancy - Any vacancy in the office of county manager shall be filled as soon as possible by the county council but pending such appointment the county council shall designate a qualified county officer or employee to perform the duties of the county manager on an acting basis. The appointment of an acting county manager shall be for a term not to exceed three months, provided however, one renewal thereof, not

to exceed an additional three months, may be made.

(c) Powers and Duties - The powers of a temporary or acting county manager, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations, to county office or employment, but no appointments or designations of a permanent nature shall be made without confirmation by a vote of three members of the county council.

Section 4-6 Removal and Suspension The county council may, by majority vote of the full membership, terminate and remove, or suspend, the county manager from office in accordance with the following procedure:

Before the county manager may be removed, if the county manager so requests the county council shall provide a written statement setting forth the reasons on which the removal or termination is based and shall afford the county manager with the opportunity to be heard at a meeting of the county council prior to a final vote on the removal or termination.

Pending and during any public hearing which may be so requested the county council may suspend the county manager from office. The action of the county council in suspending or removing the county manager from office shall be final. It is the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the county council. The county manager shall continue to receive a salary until the final date on which a removal shall become effective. The county council may, by ordinance, establish a procedure for removal or suspension of a county manager in such additional detail as it may deem to be necessary or desirable.

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

Section 5-1 Elected County Officers

A. IN GENERAL Notwithstanding their direct election by the voters, the officers named in this section shall be subject to the call of the county manager and of the county council at all reasonable times for consultation, discussion and for the coordination of the business of the county.

In the event a vacancy shall occur in any office filled by the voters under this section, the vacancy shall be filled as otherwise provided by law.

B. COUNTY TREASURER There shall be a county treasurer elected by the voters of Worcester county for a term of six years. The county treasurer, at the time of election, and at all times during the term of office for which elected, shall be and shall remain a Worcester county voter.

The county treasurer shall receive and take charge of all funds belonging to the county and shall pay out and account for the same according to the order of authorized officers of the county.

The county treasurer shall have all of the other powers and duties which are given to county treasurers by the General Laws, and such additional powers and duties as may be provided by county ordinance or administrative code.

C. REGISTERS OF DEEDS Northern District - There shall be a northern district register of deeds who shall be elected by and from the voters in Fitchburg, Ashburnham, Leominster, Lunenburg and Westminster for a term of six years and who shall at the time of election and at all times during the term for which elected remain a registered voter of the northern district.

Southern District - There shall be a southern district register of deeds who shall be elected by and from the voters in the other cities and towns which comprise the county and who shall at the time of election and at all times during the term for which elected remain a registered voter of the southern district.

The register of deeds for each district shall have general charge and superintendence of the registry of deeds for the district and all of the books, records, deeds and papers belonging thereto. The register of deeds for each district shall have all of the powers and duties as may be provided by county ordinance or administrative code and the General Laws.

D. COUNTY SHERIFF There shall be a county sheriff elected as provided by law.

The county sheriff shall have the general care and superintendence of all jails and houses of correction maintained or kept by the county. The county sheriff shall have all of the other powers and duties which are given to county sheriffs by the General Laws and such additional powers and duties as may be provided by county ordinance or administrative code.

Section 5-2 Appointed County Officers

A. IN GENERAL The activities under the direction and supervision of the county manager shall be distributed among such departments, offices and agencies as are established by this charter, or as may be established by ordinance, or by administrative code not inconsistent with this charter.

Every department, office and agency of the county shall be headed by an officer appointed by and subject to the direction and supervision of the county manager. With the consent of the county council, the county manager may serve, personally, as the head of any office, department or agency of the county. With the consent of the county council, the county manager may appoint the same person to serve as the head of two or more departments, offices or agencies of the county.

The county manager may appoint, from time to time, one or more qualified citizens to serve as advisors to the county manager or to any department, office or agency of the county.

B. CHARTER DEPARTMENTS

(a) Personnel Department

(1) Intention - All appointments and promotions to or in the county service shall be based upon merit and fitness alone. Merit and fitness are to be determined, insofar as practicable, by competitive testing and by

the evaluation of other measures of suitability based on education, training, experience and department interviews.

(2) Director of Personnel - There shall be a personnel department headed by a director of county personnel appointed by the county manager.

(3) Personnel Rules and Regulations - The director of county personnel shall prepare rules and regulations to carry out a comprehensive system of county personnel administration. The rules and regulations shall contain the following provisions:

(a) a classification plan, based upon the duties, authority and responsibility of each position, for all offices and positions in the county service;

(b) a pay plan for all offices and positions in the county service, based upon the classification plan;

(c) the methods to be followed in determining merit and fitness of candidates for appointment to or promotion in the county service;

(d) the methods to be followed in establishing, maintaining and certifying of eligible lists for appointments or promotions in the county service;

(e) the procedures to be followed in the case of layoffs, suspensions or removals of persons in the county service and any appeal or other review procedures to be available in such cases;

(f) such other practices and procedures as may be necessary or desirable to establish, operate and maintain a quality personnel system for Worcester county.

C. ADMINISTRATIVE ORGANIZATION

1. Organization of County Agencies The organization of the county into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

(a) Ordinances - Subject only to an express prohibition in a general law or this charter, the county council may, by ordinance, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection or, if a multiple member body, the number of members of any county agency, in whole or in part, establish new county agencies and may prescribe the functions, powers, duties and responsibilities of any such county agency.

(b) Administrative Reorganization - The county manager, after consultation with the department, office or agency affected, may from time to time, prepare and submit to the county council plans of organization or reorganization for county administration. Whenever the county manager prepares such a plan the county manager shall, in conjunction with the department, office or agency affected, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and plan of the public hearing and the scope of the proposal.

The county manager shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or

revised as a result of information developed at the public hearing to be submitted to the county council. Said plan shall become effective at the expiration of sixty days following the date of its submission to the county council unless the county council has sooner adopted it or has rejected it by a majority vote. In acting upon the administrative code the county council may act only to approve or to disapprove of the plan and may not vote to amend it in any way.

2. Table of Organization The county manager shall prepare, maintain and keep current an organizational chart on the personnel staffing requirements for each county department, office and agency.

3. Publication of Administrative Code and Table of Organization For the convenience of the public, the administrative code, as amended, shall be published as an appendix to any publication of the county ordinances. The table of organization shall be published annually in the proposed budget submitted by the county manager.

ARTICLE 6

FISCAL PROCEDURES

Section 6-1 Fiscal Year The fiscal year of Worcester county shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 6-2 Advisory Board There shall be an advisory board comprised of representatives from each municipality within the county. The representatives from each community shall be the chief executive officer of the community, if any, or, in a city, any member of the legislative body designated by such officer, or in a town, any town voter appointed by the board of selectmen. The designated representative of each community shall, after subscribing to an oath of office, receive a certificate of such appointment from the town or city clerk.

Except as otherwise provided in this charter the powers of the advisory board for Worcester county shall be the same as those provided for under section thirty-eight B of chapter thirty-five of the General Laws.

Section 6-3 Submission of Proposed Budget Every county agency or department shall submit to the county manager its requested annual budget on or before the date designated by the county manager. After consultation with and approval by the county council, and within a time fixed by ordinance, before the date on which the advisory board is to meet in its spring session, the county manager shall submit to the advisory board a proposed budget for the ensuing year, with an accompanying budget message and supporting documents. The county manager shall simultaneously provide a general summary of the proposed budget to be made available to all representatives of the communications media and shall cause a legal notice to be published in at least three local newspapers published in the county, one of which shall be in the city of

Worcester, indicating the times and places at which complete copies of the proposed budget and accompanying materials are available for inspection by the public.

Section 6-4 Budget Message The budget message submitted by the county manager shall explain the proposed budget for all county agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the county for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the county's debt position; and it shall include such additional information as the county manager deems desirable or the county council may reasonably require.

Section 6-5 The Proposed Budget The proposed budget shall provide a complete financial plan of all county funds and activities. Except as may otherwise be required by general law or by the charter, it shall be in the form the county manager deems desirable, or as the county council may require. In the presentation of the proposed budget the county manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. The budget shall be arranged to show actual and estimated income and expenditures for the previous, current, and ensuing fiscal year and shall indicate, in separate sections:

(a) proposed expenditures for current operations during the ensuing fiscal year, detailed by county agency, function and work programs, and the proposed methods of financing such expenditures;

(b) proposed capital expenditures during the ensuing fiscal year, detailed by county agency, and the proposed methods of financing such expenditures;

(c) estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 6-6 Action on the Proposed Budget

(a) Public Hearing - The advisory board shall, within thirty days after receipt of the proposed budget, provide for the publication in a local newspaper of a notice stating the date, time and place, not less than seven or more than fourteen days following such publication, when a public hearing will be held by the advisory board on the proposed budget.

(b) Review - The advisory board shall consider, in open public meetings, the detailed expenditures proposed for each county agency and may confer with representatives of any county agency in connection with its review and consideration. The advisory board may require the county manager, or any other county agency through the county manager, to furnish it with such additional information as it may deem necessary to assist it in its review of the proposed budget.

Section 6-7 Capital Improvement Program The county manager shall submit a capital improvement program to the county council and to the advisory board at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

(a) a clear, concise, general summary of its contents;

(b) a listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure;

(c) cost estimates, methods of financing and recommended time schedules;

(d) the estimated annual cost of operating and maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

Section 6-8 Audit An independent audit of the county's finances shall be performed at intervals not greater than two years, by a certified public accounting firm with experience in municipal and other public agency audits, chosen by a committee of three municipal officials appointed by the advisory board.

ARTICLE 7

ELECTION RELATED MATTERS

Section 7-1 Elections The regular elections for county offices shall be held in conjunction with the biennial state election.

Section 7-2 Application of State Election Laws Except as is expressly provided in this charter all elections to county offices shall be in conformity with and shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary or primary elections, special elections and regular elections, the submission of propositions to the voters, the counting of votes and the declaration of results.

Section 7-3 Nominations The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of candidates for the office of county treasurer and register of deeds the nomination papers shall be signed in the aggregate by at least one thousand voters of the county; in the case of candidates for the office of district councillor the nomination papers shall be signed in the aggregate by at least two hundred voters of the district.

Section 7-4 Recall of County Officers

(1) Application - Any person who holds an elected county office, with more than thirty-two months remaining of the term of office at the time

of the filing of the application, may be recalled from the office by the voters in the manner provided in this section.

(2) Recall Petitions - In the case of a county wide position, one thousand voters may file with the clerk of the county council an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. In the case of a district county position, two hundred voters may file with the clerk of the county council an affidavit containing the name of the office whose recall is sought and a statement of the grounds for recall. If the officer is elected from the county at large the signatures on such affidavits shall contain the names of at least twenty-five voters in any six communities within the county; if the officer is elected from any district into which the county is divided the signatures on such affidavits shall contain the names of the voters from any six precincts within the said district. When submitted to the clerk of the county council the signatures shall bear the certification of the registrars of voters of the city or town in which collected that they are the names of voters in said city or town.

The clerk of the county council shall certify such affidavits with regard to the sufficiency and validity within seven days and shall thereupon deliver to the ten persons first named on such affidavits, petition blanks demanding said recall, printed forms of which the clerk of the county council shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the county council; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the clerk of the county council. The recall petitions shall be returned to the office of the clerk of the county council within twenty days following the date they are issued, signed by at least fifteen per cent of the total number of persons registered to vote in the county as of the date of the most recent state election if the officer is elected at large and by fifteen per cent of the total number of persons registered to vote in the district as of the date of the most recent state election if the officer is elected from a district.

The clerk of the county council shall within three days following such filing, submit the petitions to the board of registrars of voters in the several cities and towns from which collected which boards of registrars of voters shall within five days thereafter certify thereon the number of signatures which are the names of voters.

(3) Recall Elections - If the petitions shall be certified by the registrars of voters to be sufficient, the clerk of the county council shall forthwith submit the same with a certificate so stating to the county council, a copy of which shall simultaneously be filed by said county clerk with the office of the secretary of the commonwealth. Upon its receipt of the certified petition, the county council shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign from office within five days following delivery of the said notice, the county council shall order a question relating to the

recall of such officer to appear on the ballot at the next regular state election which is to be held at least one hundred and fifty days following the date of the certification by the town clerk that the recall petition is sufficient. A copy of said vote of the county council shall, forthwith upon its adoption, be filed by the county clerk with the office of the secretary of the commonwealth. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(4) Nomination of Candidates - An officer sought to be recalled may be a candidate to succeed to the same office and, unless the officer requests otherwise, in writing, the clerk of the county council shall place the name of the officer on the ballot without nomination. Notwithstanding any other provision of law to the contrary, the nomination of other candidates for the office shall be by nomination papers, in conformity with the provisions of law relating to nomination of persons for the same office when it is otherwise to be filled at an election except that the time for filing such papers with the office of the secretary shall be on or before the first Wednesday in August. The names of candidates shall appear only on the ballots used at the state election and in conjunction with the recall question, as provided below, and candidates shall not be nominated at the state primary election.

(5) Propositions on the Ballot - The ballots used at an election at which a question relating to the recall of a county officer is to be submitted to the voters shall be in substantially the following form:

For the recall of (insert name) present county (insert name of office)

Against the recall of (insert name) present county (insert name of office)

Adjacent to each such proposition shall appear a place to vote for either of said propositions. Following said propositions on the ballot shall appear the word "candidates" and the names of candidates to succeed to the office if a majority of the votes cast upon said propositions is in the affirmative. The names of candidates shall be arranged as otherwise provided by law.

If a majority of the votes cast are in favor of the recall of the officer, the officer shall be deemed to be recalled and the candidate receiving the highest number of votes for the office shall be declared to be elected as successor to the office, to serve for the balance of the then unexpired term.

(6) Officeholder - The incumbent shall continue to hold office and perform the duties until the recall election. If not then recalled, the officer shall continue in office for the remainder of the unexpired term, subject to recall as provided in clause (7).

If the officer is recalled, the office shall be deemed vacant upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(7) Repeat of Recall Petition - No recall shall be filed against an officer within six months after taking office, or in the case of an officer

subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

Section 7-5 Citizens Initiative Measures

(a) Commencement - Initiative procedures may be commenced by the filing of an initiative petition with the county clerk. The petition shall be addressed to the county council and shall contain a request for the passage of a particular measure which shall be set out in said petition or by attachment to the said petition. The petition shall be signed by not less than three per cent of the total number of voters of the county as of the date of the most recent state election, provided, however, not more than twenty-five per cent of the signatures shall be from any one district into which the county is divided for electing members of the county council. Signatures to the said petition need not all be on one paper but all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk the petitions shall have been certified by the boards of registrars of voters of each city and town in which collected. The board of registrars of voters in each municipality in which such petition forms are filed shall, within seven days following their submission, certify the signatures which are the names of voters in their respective municipalities.

(b) Referral to County Legal Officer - If the clerk of the county council shall have verified the initiative petition has been filed by a sufficient number of voters a copy of the particular measure contained in the said petition shall forthwith be directed to the office of the county legal officer. Within ten days following receipt of the copy of the said measure the county legal officer shall in writing advise the county council whether the measure as proposed may validly be proposed by the initiative process and whether such measure may lawfully be adopted by the county council. If the opinion of the county legal officer is that the measure does not qualify for the initiative procedure, or that the measure may not lawfully be adopted by the county council the reasons for such opinion shall be stated in full and a copy of the said opinion shall be furnished to the committee designated on said petition as having filed the same.

(c) Action on Petition - Within thirty days following the date a petition has been returned to the county council by the county legal officer having been found by such officer to be conformable to law, the county council shall act with respect to such petition by adopting the same or by adopting a measure which is stated to be in lieu thereof, or by rejecting it. The passage of a measure which is stated to be in lieu thereof shall be deemed a rejection. If the county council has failed to act on such measure within the said thirty days it shall be deemed to have been rejected on the said thirtieth day. If an initiative measure is rejected the clerk of the county council shall forthwith give notice of such fact in writing to the committee designated as having filed the same.

(d) Supplementary Petitions - Within forty-five days following the

date of the notice given by the county clerk to the petitioners' committee that an initiative measure has been rejected, a supplemental initiative petition may be submitted to the county council. The supplementary initiative petition shall be signed by a number of additional voters which is at least equal to one per cent of the total number of persons registered to vote in the county as of the date of the most recent state election, provided, however, not more than twenty-five per cent of the signatures shall be from any one municipality into which the county is divided. Signatures to the said supplementary petition need not all be on one paper but all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk the petitions shall have been certified by the boards of registrars of voters of each municipality in which collected. The board of registrars of voters in each municipality in which such petition forms are filed shall, within seven days following their submission, certify the signatures which are the names of voters in their respective municipality. If the number of signatures is deemed to be sufficient the county council shall make provision for the submission of the question to the voters at the next biennial state election occurring ninety or more days following the date of the certificate that the petitions do contain the names of at least one per cent of the voters of the county and that a valid supplementary petition has been filed.

(e) Publication - The full text of the proposed measure shall be printed and distributed by the county council to each residence in the county known to contain one or more registered voters not less than two weeks prior to the date of the election at which the question will be voted upon.

(f) Form of Ballot Question - The ballots used when voting on a measure proposed by initiative petition of voters shall contain a question in substantially the following form:

"Shall the following measure which was proposed by an initiative petition of voters take effect?"

(Insert here the text of the measure, or, a fair, concise summary of the proposed measure prepared by the county legal officer.)

(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

Section 7-6 Citizen Referendum Procedures

(a) Referendum Petition, Effect on Final Approval - Within twenty-one days following the date on which the county council has given final approval to any measure, a petition signed by a number of voters equal to not less than one per cent of the total number of persons registered to vote in the county as of the date of the most recent state election may be filed with the county clerk protesting against such measure or any part thereof from taking effect. The county council shall forthwith following receipt of such a petition reconsider such measure or part thereof, and if such measure or part thereof is not then rescinded, the taking effect of such measure shall be suspended pending the sub-

mission of the same to the voters. The county council shall submit the same to the voters at the next regular state election.

(b) Certain Initiative Procedures to Apply - The petition described in this section shall be termed a referendum petition and insofar as applicable the procedures described in section 7-5 shall apply in respect thereto except that the words "measure or part thereof" shall be understood to replace the words "proposed measure" in said section and the word "referendum" shall be deemed to replace the word "initiative" where it may occur.

Section 7-7 Submission of Other Measures to Voters The county council may, on its own motion, submit to the voters of the county for adoption or rejection at any regular state election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as is provided in this article for submission by petition.

Section 7-8 Establishment of Council Districts The territory of the county shall be divided into seven districts so established as to consist of as nearly an equal a number of inhabitants as it may be possible to achieve. For the purpose of this section population shall be based on the most recent federal census. In establishing district lines attention shall be given to the diversity of the county and the disparity in the population of communities. Insofar as practical small towns shall be grouped together and not included in the same district with a city having a population of more than seventy-five thousand inhabitants. No town consisting of less than six thousand inhabitants shall be divided.

The county council shall from time to time, at least once in every ten years in the year following a federal census, provide for a review of such districts to be made to insure their uniformity in number of inhabitants. Such review shall be made by a committee to consist of city and town clerks chosen by the county clerk, subject to the approval of the county council. Whenever such a review is made the county council shall allow for a thirty day review period followed by a public hearing before making any new district boundaries final.

Section 7-9 Notice to Secretary of the Commonwealth Whenever, pursuant to the provisions of this article relating to initiative and referendum and recall, the county council intends that a question is to appear on the state election ballot the county clerk shall at the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question, or questions, and the form in which such question or questions are to appear on such ballots.

ARTICLE 8

GENERAL PROVISIONS

Section 8-1 Charter Changes This charter may be replaced, revised or amended in accordance with the procedure made available under chapter thirty-four A of the General Laws.

Section 8-2 Specific Provisions to Prevail To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

Section 8-3 Rules and Regulations A copy of all rules and regulations adopted by county agencies shall be placed on file in the office of the county manager and made available for review by any person who shall request such information. No rule or regulation adopted by any county agency shall become effective until ten days following the day it is so filed in the office of the county manager.

Section 8-4 Periodic Review, Charter and Ordinances

(a) Charter/Ordinance Review - At least once in every five years, in years ending in a five or in a zero, the county council shall provide for a special committee to be established which shall be charged with the responsibility of reviewing the then-existing charter and ordinances of the county for the purpose of determining if any amendments or revisions may be necessary or desirable, and to make a report, with recommendations, to the county council concerning any proposed amendments or revisions which said committee may deem to be necessary or desirable. Such review may be conducted under the supervision of the county legal officer, or if the county council so directs, by special counsel retained for that purpose.

Reports, with recommendations, should be submitted to the county council not more than ten months following the date such committee is appointed.

(b) Copies of Charter and Ordinances - Copies of the charter and ordinances of the county, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the county manager. A fee, not to exceed the actual cost of reproduction of the said material, or in accordance with fees established by general law, may be charged. In any interval between publication of the charter or ordinances, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or ordinances since last published in consolidated form.

Section 8-5 Loss of Office, Excessive Absence If any person appointed to serve as a member of a multiple member body shall fail to attend six or more consecutive meetings, or more than one-half of all meetings held during one calendar year, the remaining members of the multiple member body may by vote of a majority of the remaining members declare the office of such person vacant, provided that prior to the vote on such question, written notice of an intention to do so shall be given in hand, or mailed to the last known address of such person.

Section 8-6 Procedures Governing Multiple Member Bodies

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the county as they may, by vote, prescribe. Special meetings of any multiple member body shall be held upon the call of its chairperson, or by one-third (1/3) of the members thereof, by written notice indicating the subject to be acted upon to each member at least forty-eight hours in advance of the time set, except in the case of emergency. A copy of the same notice shall be posted on the county bulletin board. Regular meetings of all multiple member bodies shall be held in public buildings of Worcester county.

(b) Rules and Minutes - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter, by ordinance, or by law. Each multiple member body shall also provide for the keeping of minutes of its own proceedings.

(c) Voting - If requested by any member, any vote of a multiple member body shall be taken by a roll call and the vote of each member shall be recorded in the minutes provided, however if any vote is unanimous only that fact need be recorded.

(d) Quorum - A majority of the full membership of a multiple member body shall constitute a quorum, but a lesser number may meet and adjourn from time to time. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority vote.

(e) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such a vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

Section 8-7 Notice of Vacancies

(a) Whenever a vacancy occurs in any county agency, the county manager or other appointing authority shall forthwith cause public notice of the vacancy to be posted on the county bulletin board for not less than fourteen days and advertised for two successive weeks in a local newspaper.

(b) Whenever a vacancy occurs in any county employment, the county manager or other appointing authority shall forthwith cause public notice of the vacancy to be posted on the county bulletin board for not less than fourteen days and advertised for a reasonable length of time in an appropriate publication to be determined by the county manager.

(c) The aforesaid notices shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications therefor.

(d) This section shall not apply to positions covered by the civil service law and rules or to the extent that it conflicts with the requirements

provided under the terms of a collective bargaining agreement.

(e) Every January, the county manager shall place an advertisement notice in a local newspaper listing all appointed county positions together with the term of office of each.

Section 8-8 Removals and Suspensions Any appointed officer or employee of the county, not covered by the provisions of general law or the terms of a collective bargaining agreement, whether appointed for a fixed or an indefinite term, may be suspended or removed from duty by the appointing authority.

The appointing authority, when acting to remove or to suspend any appointed officer or county employee, shall act in accordance with the following procedure:

(a) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefore shall be delivered in hand to the officer or employee, or mailed, by registered or certified mail to the employee's last known address.

(b) Within five days following delivery of the said notice, the officer or employee may request a hearing by submitting, in writing, a request therefor to the appointing authority, and by filing a copy of said request in the office of the clerk of the county council.

(c) The appointing authority shall hold a hearing not less than seven nor more than fourteen days following the date of receipt of a request therefor, and shall give not less than five days written notice of such hearing to the officer or employee affected. The officer or employee shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses and to introduce evidence at the hearing. The hearing shall be conducted in conformance with section twenty-three B of chapter thirty-nine of the General Laws.

(d) Not more than fourteen days following the hearing, or not more than fourteen days following the delivery of the original notice of intent if no public hearing has been requested, the appointing authority shall take final action on the removal or suspension and shall, forthwith, notify the officer or employee of the removal or suspension, or that the notice of intent has been rescinded.

Section 8-9 Definitions The following words as used in this charter shall have the following meanings unless the context clearly requires otherwise:

(a) Charter - this charter and any amendments to it which may hereafter be adopted;

(b) County - the county of Worcester;

(c) County Agency - any board, commission, committee or other multiple member body, department, division, or office of the county of Worcester;

(d) County Bulletin Boards - the bulletin board in the Worcester county court house building on which official notices are posted, and those at such other locations within the county which may, from time to time, be

established by vote of the county council;

(e) County Officer - when used without further qualification or description, shall mean a person elected to a county office or a person having charge of an office or department of the county, who in the exercise of the powers or duties of the office exercises some portion of the sovereign power of the county;

(f) Days - shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted;

(g) Emergency - a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action;

(h) Local Newspaper - shall mean at least three daily newspapers of general circulation in one or more parts of the county, one of which shall be published in the city of Worcester;

(i) Majority Vote - shall mean a majority of the members of a multiple member body present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rules;

(j) Multiple Member Body - any county body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not the county council;

(k) Voters - persons who are registered to vote in any city or town comprising the county of Worcester.

ARTICLE 9

TRANSITIONAL PROVISIONS

Section 9-1 Effect on Laws All General Laws, special laws, rules and regulations of or pertaining to the county that are in force when this charter takes effect and not specifically or by implication repealed hereby, shall continue in full force and effect until amended, repealed or rescinded by due course of law or until they expire their own limitation.

Section 9-2 Continuation of Government All county agencies shall continue to perform their duties until re-appointed, or re-elected, or until successors to their respective positions are fully appointed or elected, or until their duties have been transferred and assumed by another county agency.

Section 9-3 Initial Salary of Councillors Notwithstanding the provisions of section 3-3 the initial salaries to be paid to members of the county council shall be determined by dividing the gross annual amount appropriated for the salaries of county commissioners in the then current fiscal year by seven, the number of county councillors as provided in this charter.

Section 9-4 Transfer of Records and Property All records, property and

equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another county agency, shall be transferred forthwith to such agency.

Section 9-5 Establishment of Initial Council Districts The board of county commissioners shall forthwith following its reorganization in the year following the year in which this charter is adopted, appoint a special districting commission for the purpose of establishing the boundaries of the seven districts from which members of the county council are to be elected. The commission shall consist of city and town clerks of Worcester county. Not more than five of such clerks shall be members of the same political party. The special districting committee shall not later than the last day of December in the year in which it's established publish in the manner provided in section 3-10(d) of the charter. A proposed division of the county into seven council districts as nearly equal in population as it is possible to achieve and which avoids grouping in so far as is possible urban areas with rural areas. A copy of the preliminary report of the special districting commission shall be submitted to the office of the secretary of the commonwealth for comment and suggestion. The special districting commission shall following such publication, hold one or more public hearings concerning its proposal in each of the proposed districts.

Not later than the last day in February in the year following its appointment the special districting commission shall publish its final report establishing the seven districts from which the first members of the county council are to be chosen. A copy of its report shall be sent to the office of the secretary of the commonwealth.

All nomination papers for the office of county councillor shall be prepared, distributed and certified through the office of the secretary of the commonwealth for the first election under this charter.

Section 9-6 Continuation of Personnel Any person holding a town office or employment under the county shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this charter for the performance of such duties by another person or agency. No person in the permanent, full-time service or employment of the county shall forfeit pay grade or time in service. Each such person shall be retained in an employment capacity as similar to former employment capacity as is practical.

Section 9-7 Time of Taking Effect This charter shall not become fully effective until the first Wednesday in January in the year following the year in which the next biennial election is held following the election at which this charter has been ratified by the voters of Worcester county.

Upon its ratification by the voters, this charter shall become effective for the limited purposes as otherwise provided in this section.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used in Worcester county at the biennial state election to be held in the year nineteen hundred and eighty-eight the following question "Shall an act passed by the General Court in the year nineteen hundred and eighty-eight entitled 'An Act providing for the establishment of a charter for Worcester county', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative then section one and two of this act shall take full effect, but not otherwise.

SECTION 3. For the purpose of ascertaining the will of the people of Worcester county, the state secretary shall cause to be placed on the official ballot to be used in the cities and towns of said county, at the biennial state election held in the year nineteen hundred and eighty-eight the following nonbinding question on public policy:-

This question is nonbinding.

Do you approve of the commonwealth of Massachusetts assuming the duties, costs, services and responsibilities of all Worcester county government and its agencies?

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

Approved August 26, 1988.

Chapter 250. AN ACT RELATIVE TO CERTAIN SCHOOL BONDS TO BE ISSUED BY THE TOWN OF PALMER.

Be it enacted, etc., as follows:

SECTION 1. Any indebtedness incurred by the town of Palmer for the purpose described in Article 1 of the warrant for the June thirteenth, nineteen hundred and eighty-eight special town meeting, including constructing and originally equipping and furnishing a new elementary school and a new high school and remodeling the existing high school for use as an intermediate school, 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, except that the maturities of the bonds or notes issued by the town shall be arranged so that for each issue the annual combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

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

Approved August 26, 1988.

Chapter 251. AN ACT PROVIDING FOR THE ENTRY OF THE COMMONWEALTH INTO THE COMPACT AGREEMENT ON ISSUANCE OF CERTAIN INTERSTATE TRUCK PERMITS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 34 of chapter 90 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 fees received under the preceding sections, together with all other fees received by the registrar or any other person under the laws of the commonwealth relating to the use and operation of motor vehicles and trailers, except fees received by the department of public works for deposit in the Interstate Permit Fund for the benefit of other states, shall be paid by the registrar or by the person collecting the same into the treasury of the commonwealth, and said fees, together with all contributions and assessments paid into the treasury of the commonwealth by cities, towns or counties for maintaining, repairing, improving and constructing ways, whether before or after the work is completed, all refunds and rebates made on account of expenditures on ways by the department of public works, all receipts paid into the treasury of the commonwealth under the provisions of chapter sixty-four A, all monies received by the commonwealth in satisfaction of claims by the commonwealth for damage to highway safety signs, signals, guard-rails, curbing and other highway related facilities, and all receipts received by the state treasurer under the provisions of section eight of chapter ten shall be credited on the books of the commonwealth to a fund to be known as the Highway Fund.

SECTION 2. An agreement is hereby entered into with all jurisdictions legally joining therein in substantially the following form:

ARTICLE I. PURPOSES.

The purposes of this agreement are to:

(a) Ease the burden of the trucking industry in obtaining approvals required to move over-size and overweight trucks across state borders.

(b) Establish uniform and equitable procedures whereby one contracting state on its own behalf and on behalf of another contracting state or other contracting states may issue a single common permit authorizing non-divisible over-size and overweight trucks to travel through the issuing state and in interstate travel into or through another one or more of the contracting states.

(c) Establish procedures under which the fees required by each contracting state into which or through which the said over-size or overweight truck will travel are collected by the issuing state and distributed to the said contracting states, and the accounting procedures

in connection therewith.

ARTICLE II. DEFINITIONS.

The following definitions shall apply in this agreement and in this act.

(a) "State", the states of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the states, territories and federal district of Mexico.

(b) "Contracting state", a state which is a party to this agreement.

(c) "Envelope vehicle", any non-divisible over-size or overweight vehicle which shall not exceed specified size and weight to be determined by the contracting states.

(d) "Issuing state", the state which, in accordance with rules established by the policy committee, will issue the common permit for the envelope vehicle and collect fees for all contracting states through which the specific envelope vehicle will travel.

(e) "Regional highway network", the routes designated on maps by the contracting states over which the envelope vehicles may be permitted to travel only to the extent and under the conditions specified in the common permit issued by the issuing state. In accordance with procedures developed by the contracting states, each contracting state may impose temporary restrictions on the regional highway network or the access highway network, as defined below, and may remove such restrictions by written notification to the other contracting states of such imposition or removal, and the issuing state shall conform to such restrictions when issuing a common permit for travel in the contracting states.

(f) "Access highway network", the access highway network designated on maps by the contracting states over which envelope vehicles may travel to or from the regional highway network when their points of destination or their points of origin require such travel.

(g) "Designated routes", the route designated by the issuing state on the common permit from which the envelope vehicle shall not deviate unless an approved alternative route is required or agreed upon by a particular contracting state.

(h) "Common permit form", the form of the permit issued by the issuing state and on which a route is designated to be used in accordance with permit conditions by an envelope vehicle traveling through the contracting states. The common permit form is to be a standard form developed by the contracting states which may from time to time be amended or revised by the contracting states.

(i) "Department", the department of public works of the commonwealth of Massachusetts.

(j) "Fee collection", the collection of the total permit fees by the issuing state for its own state and for all contracting states through which the vehicle is thereby permitted to travel, all in accordance with Article V.

(k) "Fee distribution", the periodic distribution to each and every con-

tracting state of the total permit fees collected and held by each issuing state on behalf of the other contracting states, all in accordance with Article V.

(l) "Total permit fees", the total of the permit fees which the issuing state shall collect for issuance of the common permit which shall include the fee required by the issuing state and all fees required for such permit by other contracting states through which the permitted envelope vehicle will travel under the permit.

(m) "Administrator", the official or agency of a contracting state who administers the granting of over-size or overweight permits in his state.

(n) "Common permit", the single permit issued by the issuing state in the common permit form. The truck operator of any overweight or over-size vehicle not eligible for a common permit under this agreement between the contracting states must obtain individual state permits.

(o) "The commonwealth", the commonwealth of Massachusetts.

(p) "Policy committee", the committee composed of one administrator from each contracting state.

ARTICLE III. GENERAL PROVISIONS.

(a) On and after its effective date, this agreement shall supersede any reciprocal or other agreement, arrangement or understanding between any two or more of the contracting states covering, in whole or in part, any of the matters covered by this agreement; but this agreement shall not affect any reciprocal or other agreement, arrangement or understanding between a contracting state and a state or states not parties to this agreement.

(b) This agreement shall not require a permit fee in a contracting state of any over-size or overweight vehicles which are, in whole or part, exempt from such permit fee under the laws or regulations of such state without respect to this agreement.

(c) This agreement does not waive any fees or taxes charged or levied by any contracting state in connection with the ownership or operation of vehicles which fees and taxes are to be enforced in addition to the permit fees as defined herein under the laws or regulations of such state without respect to this agreement.

(d) This agreement shall not authorize the operation of a vehicle in any contracting state contrary to the laws or regulations thereof, except those pertaining to over-size and overweight permits and the payment of fees therefor, and then only to the extent provided in this agreement.

(e) Each contracting state reserves the right to withdraw, by order of the administrator thereof, in a manner consistent with respective state law, all or any part of the benefits or privileges granted pursuant to this agreement from the owner of any vehicle or fleet of vehicles operated in violation of any provision of this agreement. Such benefits and privileges shall not be unreasonably denied. The administrator shall immediately give notice of any such violation or withdrawal of any such benefits or privileges to the administrator of each other contracting state in which

vehicles of such owner are operated.

(f) The administrator of each of the contracting states shall cooperate with the administrators of the others and each contracting state hereby agrees to furnish such aid and assistance to each other within its statutory authority as will aid in proper enforcement of this agreement.

(g) In any dispute between or among contracting states arising under this agreement, the final decision regarding interpretation of questions at issue relating to this agreement shall be reached by joint action of the contracting states, acting through the administrators thereof, and shall upon determination be placed in writing.

(h) This agreement shall become effective and binding between and among the states of Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, as contracting states, when enacted or otherwise entered into by any of the said states. This agreement shall become effective and binding with respect to any other state upon the happening of the following: (1) submission by said state to the policy committee of an application of membership to the agreement; (2) unanimous approval of said application by the policy committee; (3) enactment of the agreement into law by said state or when said state otherwise enters into the agreement, including, when provided by the statutes of said state, the execution of the agreement by an executive or administrative official of said state acting on behalf of and for said state.

ARTICLE IV. ISSUANCE OF PERMIT.

(a) The issuing state may issue a common permit for a specific envelope vehicle to travel a designated route in the issuing state and in any other contracting state or other contracting states, without seeking any prior approval from any other contracting state other than that required by this agreement.

(b) The common permit issued by the issuing state shall specify a designated route upon which the envelope vehicle may travel, and no other route may be used by such envelope vehicle, except as follows: the common permit may include, as part of its designated route, a route or routes other than those included in the regional and access route networks only when the contracting state or states or the issuing state itself requires or has agreed specifically to allow such exceptional route.

(c) The common permit shall be issued subject to such conditions as the contracting states agree are necessary for public safety and convenience. Said conditions shall be in printed form and be made available upon request in reasonable quantities to the public.

(d) The operator of any vehicle which does not conform to the specifications for an envelope vehicle must obtain a separate permit from each state in which the non-conforming vehicle will travel and must comply with each such state's permit procedures.

ARTICLE V. COLLECTION AND DISTRIBUTION OF TOTAL PERMIT FEES.

(a) The issuing state shall collect the total permit fee when issuing the common permit to the operator of an envelope vehicle.

(b) Each contracting state shall provide all other contracting states with its current fee schedule and the total permit fee collected by an issuing state shall be in accordance with such fee schedules. A printed fee schedule for permits issued under this agreement shall be available to the public upon request.

(c) Each contracting state shall continue to exercise sole and independent authority to establish its own fees and fee systems and nothing in this agreement shall affect that sole and independent authority of any state.

(d) Periodically, as established in administrative procedures, each contracting state which has collected fees and held such fees on behalf of another contracting state shall distribute those fees to such other contracting states.

(e) The administrator of each contracting state or his agent or agents may inspect and audit the records of each other contracting state in so far as such records relate to the collection and distribution of the total permit fees, subject to reasonable conditions which may be set by the administrator of the contracting state whose records are being inspected or audited.

(f) Any errors in collection or distribution of the total permit fees shall be settled by the administrators of the affected contracting states; provided, however, that if the settlement requires further action or approval by the legislative or executive officer of any affected contracting state, the finality of such settlement shall be subject to such further action or approval.

(g) If the issuing state fails to charge or charges less than is actually due to a contracting state as its part of the total permit fee, such failure to charge or such undercharge shall not excuse the permittee on the common permit from the obligation of paying to such contracting state the fee amount which would have been due to it. The substance of this subsection shall be made a condition on the common permit.

ARTICLE VI. SAFETY REGULATIONS.

(a) The contracting states shall establish, and may amend from time to time, a common set of safety regulations which shall be incorporated into the common permit and, thus, be applicable to envelope vehicles when such vehicles are traveling in any of the contracting states under a common permit issued by any of the contracting states.

(b) A common set of safety regulations shall be established based on and consistent with the recommended American Association of State Highway Traffic Officials (AASHTO) standards for safety requirements and may include, without limitation, requirements relative to flags, signs for oversized loads, lights, escort vehicles, convoys, speed, days and hours on which travel will be permitted, inclement weather and use of travel lanes. The common safety regulations shall be made available in

printed form in reasonable quantities to the public upon request.

(c) Each contracting state may establish fines and penalties, in a manner consistent with the laws of each respective state, for the violation of the terms of the common permits by operators of the envelope vehicles when such vehicles are traveling under common permit in said state.

ARTICLE VII. RECIPROCITY.

(a) Each of the contracting states grants reciprocity as provided in this article.

(b) The reciprocity granted pursuant to this article shall permit the interstate operation of an envelope vehicle and intrastate operation which is incidental to a trip of such envelope vehicle involving interstate operation.

(c) Nothing in this agreement shall be construed to prohibit any of the contracting states from entering into separate agreements with each other for the granting of temporary permits for the intrastate operation of vehicles registered in the other state; nor to prevent any of the contracting states from entering into agreements to grant reciprocity for intrastate operation within any zone or zones agreed upon by states.

ARTICLE VIII. ADMINISTRATION OF AGREEMENT.

(a) The policy committee shall elect a chairman.

(b) The chairman shall appoint an administrative procedures committee from persons nominated by the policy committee. The number of persons on the said committee shall be determined by the policy committee.

(c) The administrative procedures committee shall develop and maintain a written administrative procedures manual. The administrative procedures manual or any amendment to it shall be effective upon approval and adoption by at least a three-fourths vote of the policy committee. The written procedures manual shall become part of this agreement, and shall be distributed to the administrators of all contracting states.

ARTICLE IX. WITHDRAWAL OR REVOCATION.

(a) Any contracting state may withdraw from this agreement upon one hundred and eighty days written notice to each other contracting state, which notice shall be given only after the repeal of this agreement by the legislature of such state, if adoption was by legislative act, or, after renunciation by the appropriate administrative official of such contracting state, if the laws thereof empower him so to renounce.

(b) Withdrawal or revocation by one contracting state, or more, shall not affect this agreement between other states.

(c) Any state which withdraws from or revokes this agreement shall

give each of its licensees a ninety-days notice of such withdrawal.

ARTICLE X. CONSTRUCTION AND SEVERABILITY.

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating herein, the agreement shall remain in full force and effect as to the remaining party states and full force and effect as to the state affected as to all severable matters.

SECTION 3. Upon this agreement becoming effective with respect to the commonwealth, that part of the total permit fee which is due to contracting states, other than the the commonwealth, when collected by the department, shall be in a form payable to the Interstate Permit Fund. The Interstate Permit Fund shall be a revolving fund.

SECTION 4. Upon this agreement taking effect with respect to the commonwealth, the state treasurer, hereinafter referred to as the "treasurer", is hereby authorized and directed to deposit all funds payable to the Interstate Permit Fund into such fund for the benefit of the contracting states entitled thereto. The funds of the Interstate Permit Fund shall be deposited in a bank licensed to do business in the commonwealth for the benefit of the contracting states entitled thereto. From time to time distributions to the contracting states, including interest accrued on funds due to each respective contracting state, shall be made in such amounts as the commissioner of the department of public works certifies to the treasurer as due to the respective contracting states. The treasurer shall and is hereby authorized to disburse, without appropriation from the legislature, funds from the Interstate Permit Fund to the respective contracting states in such amounts as the commissioner of the department of public works has certified to the treasurer. The cost of administering the Interstate Permit Fund shall be paid by the commonwealth. That part of the total permit fees which is due to the commonwealth as an issuing state shall be deposited into the treasury of the commonwealth and be credited to the Highway Fund in accordance with section thirty-four of chapter ninety of the General Laws.

SECTION 5. The procedures, other than those provided for in this act, for deposit into the Interstate Permit Fund and the distribution therefrom to other contracting states of their respective shares of the

total permit fees shall be subject to approval by the commissioner of administration. The procedure for the deposit of the commonwealth's share of the total permit fees into the treasury of the commonwealth to be credited to the Highway Fund shall be subject to approval of the commissioner of administration.

SECTION 6. Upon this agreement taking effect with respect to the commonwealth, those amounts of the total permit fees which have been collected by other contracting states and which are due to the commonwealth shall be paid by said contracting states to the Massachusetts department of public works, acting on behalf of the commonwealth, and such amounts, when received by the said department, shall be deposited into the treasury of the commonwealth to be credited to the Highway Fund in accordance with the provisions of section thirty-four of chapter ninety of the General Laws. The procedures for accounting for such receipts and deposits shall be subject to the approval by the commissioner of administration.

SECTION 7. Any settlement of errors under this agreement shall be subject to the approval of the commissioner of administration and, if action or approval by the general court is required, the commissioner of administration shall submit the said agreement for the required action or approval by the general court.

SECTION 8. The department may promulgate the common safety regulations authorized in section one of Article VI. Such regulations may not abrogate regulations of the department in effect at the date of enactment of this act for permits issued pursuant to section thirty of chapter eighty-five of the General Laws.

SECTION 9. Any person who is convicted of operating or permitting the operation of an envelope vehicle on any public ways of the commonwealth in violation of the provisions of the common permit under which it is operating shall be punished by a fine in the amount provided by the General Laws for each offense. A certified copy of the common permit issued by any issuing state shall be prima facie evidence in the courts of the commonwealth.

SECTION 10. Unless otherwise provided by law, the governor shall be the appropriate administrative official to withdraw the commonwealth from this agreement and to give notice thereof in accordance with subsection (a) of Article IX.

Approved August 26, 1988.

EMERGENCY LETTER: August 26, 1988 @ 4:35 P.M.

Chapter 252. 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 Attorney Victoria Perry Summers of Newton, in the town of Rockport on October twenty-second, nineteen hundred and eighty-eight between Margaret Jane Ploch of the city known as the town of Watertown and Dexter Royden Pratt of the city known as the town of Watertown, and the state secretary shall issue to said Victoria Perry Summers in her capacity as aforesaid a certificate of such authorization.

Approved September 6, 1988.

Chapter 253. AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF SUDBURY TO APPOINT A TOWN TREASURER AND COLLECTOR OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws, the board of selectmen of the town of Sudbury shall, upon the expiration of the term of the present incumbent, appoint a person to the office of town treasurer and collector of said town. The town treasurer and collector so appointed shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law on town treasurers and collectors of taxes. Upon appointment and qualification, such town treasurer and collector shall serve for a term of three years and until his successor is appointed and qualified. He may be removed for cause at a public hearing by the board of selectmen and the vacancy filled by appointment for the remainder of the term in the same manner as in the case of an original appointment. The salary or compensation shall be such as the board of selectmen may vote from time to time. Said board shall fill any vacancy in such office by appointing a qualified successor for the remainder of any unexpired term. The position or office of town treasurer and collector shall not be subject to the provisions of chapter

thirty-one of the General Laws.

SECTION 2. In the event that either or both the present town treasurer or collector of taxes shall resign, be permanently disabled or otherwise be unable to perform the duties of their offices prior to the expiration of their respective terms, the board of selectmen of said town may implement such provisions of section one as may be necessary to continue the orderly administration of these offices.

SECTION 3. The present town treasurer may be appointed or re-appointed to the office of town treasurer and collector.

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

Approved September 6, 1988.

Chapter 254. AN ACT FURTHER REGULATING THE STATE HISTORICAL COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 9 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 7, the word "seven" and inserting in place thereof the word:- twelve.

SECTION 2. Said section 26 of said chapter 9, as so appearing, is hereby further amended by inserting after the word "Incorporated", in line 17, the words:- , one from a list of three nominees submitted by the Boston Society of Architects chapter of the American Institute of Architects, one from a list of three nominees submitted by the New England Chapter of the Society of Architectural Historians, one from a list of three nominees submitted by Old Sturbridge Village, one from a list of three nominees submitted by The Museum of Afro-American History and one from a list of three nominees submitted by the Home Builders Association of Massachusetts; and the secretary of the executive office of communities and development.

SECTION 3. Section 26B of said chapter 9, as so appearing, is hereby amended by inserting after the definition of "Field investigation" the following two definitions:-

"License", a permit determination, order or other action, including the issuance of a lease, license, permit, certificate, variance, approval, or other entitlement for use, granted to any person, firm, or corporation, including trusts, voluntary association or other forms of business organizations by a state body for a project but shall not include a general entitlement to a person to carry on a trade or profession or to operate mechanical equipment which does not depend upon the location of such

trade or operation.

"Project", action, activity, program, construction, or land modification, including, but not limited to, a building or structure, either directly undertaken by a state body, or which, if undertaken by a private person, in whole or in part seeks the provision of financial assistance by a state body or, in whole or in part requires the issuance of a license by a state body.

SECTION 4. Said section 26B of said chapter 9, as so appearing, is hereby further amended by adding the following definition:-

"State body", any agency, executive office, department, board, commission, bureau, division, or authority of the commonwealth established to serve a public purpose.

SECTION 5. Section 26C of said chapter 9, as so appearing, is hereby amended by striking out, in line 9, the word "and" the second time it appears.

SECTION 5A. Said section 26C of said chapter 9, as so appearing, is hereby further amended by inserting after the word "register", in line 11, the following words:- ; and (6) all districts, structures, buildings, and sites listed in the state register of historic places pursuant to section twenty-six D.

SECTION 6. Said chapter 9 is hereby amended by inserting after section 26C, as so appearing, the following section:-

Section 26D. The commission shall promulgate regulations as may be necessary for:-

(1) nominating properties for listing in and removal from the state register of historic places; and

(2) establishing criteria for properties to be listed in the state register of historic places. The commission shall use the criteria for listing in the National Register of Historic Places as a guide in establishing criteria for listing in the state register.

The commission may accept a nomination from any local government or state agency for listing of a property in the state register of historic places. The commission may include in the state register of historic places any property for which a nomination is made if the commission determines that the property is eligible in accordance with the regulations promulgated under this section.

SECTION 7. Section 27C of said chapter 9, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting the following paragraph:-

As early as possible in the planning process of a project undertaken by a state body, or prior to a state body's funding or licensing, in whole or in part, a private project, the state body undertaking, funding or licensing such project shall notify the commission of such project and the com-

mission shall, within thirty days of receipt of such notice, determine whether such project will have any adverse effect, direct or indirect, on any property listed in the state register of historic places. If the commission does not make a determination within thirty days, the state body or the proponent may proceed with the project. Upon a determination of adverse effect, the commission, the state agency and, in the case of a private project, the project proponent shall immediately consult to discuss ways to eliminate, minimize or mitigate the adverse effects; provided, however, that such property was included in the inventory of the historic assets of the commonwealth prior to the thirtieth day following the submission of an application for building, demolition, special permit, or the submission of a plan under the provisions of section eighty-one O, eighty-one P, or eighty-one S of chapter forty-one, or the application for the required state permits for the project. The state body undertaking the project or the private entity proposing the project shall adopt all prudent and feasible means to eliminate, minimize, or mitigate the adverse effects. The commission's review shall not be limited to the subject matter of the license, but shall extend to the entire project whether licensed or funded in whole or in part. The commission shall have the authority to promulgate rules and regulations necessary to implement the provisions of this section. This section shall be interpreted and administered so as to eliminate, minimize or mitigate adverse effects to properties listed in the state register of historic places.

Approved September 6, 1988.

Chapter 255. **AN ACT AUTHORIZING THE PLACING OF A PUBLIC POLICY QUESTION ON THE BALLOTS TO BE USED IN HAMPDEN COUNTY AT THE STATE ELECTION.**

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the people of Hampden county, the state secretary shall cause to be placed on the official ballot to be used in the cities and towns of said county at the biennial state election held in the year nineteen hundred and eighty-eight the following nonbinding question on public policy:

This question is not binding.

Do you approve that the laws be amended to permit the abolishment of Hampden county government; thereby, allowing the commonwealth to assume responsibility of jails, courthouses and the registry of deeds?

Approved September 6, 1988.

Chapter 256. AN ACT AUTHORIZING THE CITY OF QUINCY TO EXTEND THE LEASE OF A QUINCY JUNIOR COLLEGE FACILITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter forty of the General Laws, or any other general or special law to the contrary, the city of Quincy is hereby authorized to accept an option to lease the land and building known as 26–36 Saville avenue, in said city, said option to be for a term of forty-five years to commence upon the termination of the current five year term.

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

Approved September 10, 1988.

Chapter 257. AN ACT RELATIVE TO THE LICENSING REQUIREMENTS OF SCHOOL BUS OPERATORS AND DRIVING INSTRUCTORS.

Be it enacted, etc., as follows:

SECTION 1. Section 8A of chapter 90 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:–

Application for a license to be a school bus operator may be made by any person who shall have attained the age of eighteen years but who has not passed his seventieth birthday, except as otherwise provided herein, and who shall have been a duly licensed motor vehicle operator for a period of three continuous years immediately prior to his application except a person who has been licensed and whose license is not in force because of revocation or suspension or whose right to operate is suspended by the registrar; but before such person shall be so licensed the registrar shall be satisfied that he is of good moral character and has successfully completed a driving performance test, a visual test, a written test and a physical examination by a licensed physician within a three month period of the date of his application in conformity with such minimum physical qualifications as shall be determined by the registrar; provided, however, that a person who has passed his seventieth birthday and is mentally and physically capable of performing the duties of a school bus operator shall be eligible for a license under this section. Such person shall twice annually, at his own expense, be examined by a physician to determine such capability. Said examination shall not be completed within a six month period of each other and that the first physical examination shall be completed within thirty days prior to the

beginning of the school year and the second examination shall not be less than six months nor more than seven months thereafter; provided, further, that no license shall be issued to a person who has been convicted of the crime of rape, unnatural act, sodomy, or the use, sale, manufacture or distribution of or possession with intent to distribute any of the controlled substances which are unlawful under the provisions of section thirty-one of chapter ninety-four C, or to any person who has been convicted of operating a motor vehicle while under the influence of intoxicating liquor or of marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of said chapter ninety-four C, or of the vapors of glue, within the preceding five year period under the provisions of section twenty-four. Any person who has consented to have any such case disposed of under the provisions of section twenty-four D shall, for the purposes of this section, be deemed to have been convicted.

SECTION 2. The first paragraph of section 8A 1/2 of said chapter 90, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- Application for such license may be made by any person who shall have attained the age of twenty-one years, but has not passed his seventieth birthday, except as otherwise provided herein and who shall have been a duly licensed motor vehicle operator for a period of three continuous years immediately prior to his application, except a person who has been duly licensed and whose license is not in force because of revocation or suspension or whose right to operate is suspended by the registrar, but before such a person shall be so licensed the registrar shall be satisfied that he is of good moral character and has successfully completed a written test, a visual test, and a physical examination in conformity with such minimum physical qualifications as shall be determined by the registrar; provided, however, that a person who has passed his seventieth birthday and is mentally and physically capable of operating motor vehicles transporting school children shall be eligible for a license under this section. Such person shall twice annually, at his own expense, be examined by a physician to determine such capability.

Approved September 10, 1988.
EMERGENCY LETTER: September 10, 1988 @ 9:55 A.M.

Chapter 258. AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO ABATE A CERTAIN SEWER ASSESSMENT ON PROPERTY OWNED BY MARGARET CALNAN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section five of chapter eighty of the General Laws, or any other general or special law to the contrary, the

town of Wilmington is hereby authorized to abate nine hundred and eighty-six dollars and eighteen cents and the interest and additional cost thereon made by the water and sewer commission of said town on real estate owned by Margaret Calnan located at 107 Glen road in said town.

Approved September 10, 1988.

Chapter 259. 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 SALISBURY.

Be it enacted, etc., as follows:

SECTION 1. Declaration of Emergency. The general court hereby finds and declares that a serious public emergency exists in the town of Salisbury with respect to the housing of a substantial number of the residents of said town, which emergency has been created by the excessive, abnormally high and unwarranted rental increases imposed by some owners of mobile home parks located therein, and by the potential discontinuance of the use of certain mobile home parks by certain owners of said mobile home parks; that unless mobile home park rents and eviction of tenants and discontinuances of the use of mobile home parks are regulated and controlled, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the residents of said town, and will produce a drastic loss of housing units, will increase homelessness, and will cause many residents loss of their life savings, especially 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 Salisbury.

SECTION 2. General Powers. The town of Salisbury may, by ordinance, regulate rents for the use or occupancy of mobile home park accommodations in said town, establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations in the town and evictions of tenants therefrom and may, by ordinance, require registration by owners of mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and tenants of such mobile home park accommodations. The rent board shall have all powers necessary or convenient to perform its functions. It may make rules and regulations, require registration by owners of mobile home accommodations, under penalty of perjury, of information relating to the mobile home park accommodations, sue and be sued, compel the at-

tendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any ordinance adopted pursuant to this act or any order of the rent board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. Regulating Rents.

(a) The rent board established under the provisions of section two shall make such individual or general adjustments of rents, either upward or downward, of the maximums established by this section 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 town of Salisbury, or any categories of such accommodations based on size, age, construction, rent, geographic, or other common characteristics providing such board has by regulation defined any such categories.

(b) The following factors, among other relevant factors which such 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 4. Incorporation of Administrative Procedure Act. The provisions of chapter thirty A of the General Laws shall be applicable to the rent board, established under the provisions of section two, as if said rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, as well as those provisions relating to judicial review of an agency order.

SECTION 5. Conference of Jurisdiction.

(a) The Newburyport district court shall have original jurisdiction, concurrently with the superior court and the housing court departments, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws.

(b) The superior court and the housing court departments shall have jurisdiction to enforce the provisions of this act, and any ordinance adopted thereunder, and may restrain violations thereof.

SECTION 6. Defense to Summary Process for Possession. The town of Salisbury may by ordinance regulate the evictions of tenants, and the rent board, established under the provisions of 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 three and four.

SECTION 7. Discontinuance Permits.

(1) 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) 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) 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 board of selectmen subject to the provisions contained in this act.

(4) (a) The board of selectmen 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 board of selectmen 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 town of Salisbury 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 town 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 board of selectmen 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 board of selectmen 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 board of selectmen may vote to grant or deny the discon-

tinuance permit. If the board of selectmen fails to vote on the proposed discontinuance permit within ninety days after such hearing, no action shall be taken thereon until after 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 board of selectmen.

(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) In determining whether to recommend that the board of selectmen 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 the town of Salisbury, 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 town of Salisbury 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 the purposes of this act, the "vacancy rate" shall be defined as that percentage of the mobile home park 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

town of Salisbury. Any parties involved may submit evidence presented to the rent control board at the public hearing.

(6) (a) The licensee or applicant seeking a discontinuance permit must make application to the board of selectmen 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 board of selectmen.

SECTION 8. Exemption from Civil Service. The personnel of the rent board established under the provisions of section two shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws.

SECTION 9. 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.

SECTION 10. This act shall take effect upon its acceptance by the town of Salisbury.

Approved September 14, 1988.

Chapter 260. 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 Elliot L. Zide, as he is a justice of the district court department in the commonwealth, in the town of Sudbury on October second, nineteen hundred and eighty-eight between Tamara L. Dew of the town of Randolph and David M. Rich of the town of Framingham, and the state secretary shall issue to said Elliot

L. Zide in his capacity as aforesaid a certificate of such authorization.

Approved September 24, 1988.

Chapter 261. 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 Vincent E. Delgrado as he is an attorney-at-law in the commonwealth, in the town of West Springfield, on September thirtieth, nineteen hundred and eighty-eight between Katie Fenwick of the town of Agawam and Scott L. Petersen of the city of Springfield and the state secretary shall issue to said Vincent E. Delgrado in his capacity as aforesaid a certificate of such authorization.

Approved September 24, 1988.

Chapter 262. 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 Martha Ware, as she is a retired judge of the trial court on October eighth, nineteen hundred and eighty-eight between Donna L. Hone and Michael A. Masse of the town of Plainville, and the state secretary shall issue to said Martha Ware in her capacity as aforesaid a certificate of such authorization.

Approved September 24, 1988.

Chapter 263. 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 Dwight D. Valentine of the city of Boston, as he is the chairperson of the human rights committee of South Shore Industries, Inc., an affiliate of Cardinal Cushing School and Training Center, in the town of Dedham on October twenty-third, nineteen hundred and eighty-eight between Thomas R. Murphy and Terri L. Friedman, both of the town of Arlington, and the state secretary shall issue to said Dwight D. Valentine in his capacity as aforesaid a certificate of such authorization.

Approved September 24, 1988.

Chapter 264. AN ACT AUTHORIZING THE TOWN OF WEBSTER TO LEASE A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Webster, acting by and through its board of selectmen, is hereby authorized to lease to Vicon Recovery Systems, Inc., for a period of time not to exceed forty years, for the purposes of constructing and operating a resource recovery facility and purposes incidental thereto, a certain parcel of land located off Town Forest road in the town of Webster and generally bounded and described as follows:

A certain parcel of land situated in the Town of Webster, County of Worcester, Commonwealth of Massachusetts being about 2,855 feet easterly of Town Forest Road, bounded and described as follows:

Beginning at the most southwesterly corner of the parcel herein described, being the most northwesterly corner of land now or formerly owned by Edgar Scheffler and recorded with the Worcester Registry of Deeds in Book 4988 Page 332;

Thence N 77° 00'E along said land of Edgar Scheffler a distance of

1072.50 feet;

Thence N 37° 30'E along land of now or formerly owned by Nicholas Russo; et als. a distance of 601.26 feet to the Webster-Oxford town line;

Thence westerly along the above mentioned town line a distance of about 1,555.50 feet to land now or formerly owned by Package Industries, Inc.;

Thence S 15° 45' E along land of said Package Industries, Inc. a distance of 396.00 feet to the Point of beginning.

Being land acquired by instrument of taking from Norman F. Chaffee recorded in the Worcester district registry of deeds in the county of Worcester, Book 2730, Page 167 and Book 3073, Page 330.

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

Approved October 4, 1988.

Chapter 265. AN ACT PROVIDING THAT AN ADMINISTRATIVE ASSISTANT IN THE GAS AND ELECTRIC LIGHT DEPARTMENT OF THE CITY OF WESTFIELD BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty-eight of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, Jane Brzys of the city of Westfield, employed in the position of administrative assistant in the gas and electric light department in said city of Westfield, shall be deemed to be appointed as a permanent employee in said position in accordance with the provisions of said chapter thirty-one; provided, however, that such appointment shall not impair any rights, protections, or benefits, including without limitation, rights provided under the provisions of said chapter thirty-one, to which said Jane Brzys is entitled on the effective date of this act.

SECTION 2. This act shall take effect as of April first, nineteen hundred and eighty-five.

Approved October 4, 1988.

Chapter 266. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY KNOWN AS THE TOWN OF METHUEN AS THE ROCCO BONANNO, SR. MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge located on Route 110 over interstate highway Route 495 in

the city known as the town of Methuen shall be designated and known as the Rocco Bonanno, Sr. Memorial Bridge in memory of Rocco Bonanno, Sr. The department of public works shall erect a suitable marker bearing said designation in compliance with the standards of said department.

Approved October 4, 1988.

Chapter 267. 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 Katherine Liacos Izzo, as she is a judge of the superior court in the commonwealth, in the town of Wellesley on October eighth, nineteen hundred and eighty-eight between Jamie Ann Sabino and Richard B. Klibaner, both of the city of Cambridge, and the state secretary shall issue to said Honorable Katherine Liacos Izzo in her capacity as aforesaid a certificate of such authorization.

Approved October 5, 1988.

Chapter 268. AN ACT AUTHORIZING THE TOWN OF SHARON TO APPOINT THE TREASURER/COLLECTOR OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twenty of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 2. The office of town treasurer-collector of the town of Sharon is hereby established. Said town treasurer-collector shall be appointed, upon the expiration of the offices of town treasurer and town collector or vacancy by resignation, removal or death, by the board of selectmen for a term not to exceed three years and shall perform all the duties hereinbefore performed by the treasurer and tax collector of said

town and shall have such other powers as may from time to time be established. Said town may establish by by-law such qualifications and terms of employment for such office as it deems necessary and appropriate. Any vacancy in said office shall be filled in like manner for the unexpired portion of such term of office.

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

Approved October 22, 1988.

Chapter 269. AN ACT AUTHORIZING THE QUABOAG REGIONAL SCHOOL DISTRICT TO HOLD ANNUAL DISTRICT WIDE ELECTIONS WITH RESIDENCY REQUIREMENTS AND VALIDATING CERTAIN PROCEEDINGS TAKEN IN SAID DISTRICT AND IN THE MEMBER TOWNS OF WARREN AND WEST BROOKFIELD.

Be it enacted, etc., as follows:

SECTION 1. The Quaboag Regional School District, consisting of the member towns of Warren and West Brookfield, may, by amendment to its regional school agreement, provide that the members of its regional district school committee may be elected from the District at an annual district wide election 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 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 wide election, which duties may be the same as, or similar to, the duties performed for town elections. Said amendment may further provide for the annual district wide election to be combined with and held at the same time and place as the annual town elections in all of the member towns whenever such annual town elections shall be held on the same date as the annual district wide election.

SECTION 2. The amendment to its regional school district agreement proposed by the regional school district committee by the votes passed on March third and twenty-first, nineteen hundred and eighty-eight containing provisions authorized by section one are hereby validated, ratified, and confirmed.

SECTION 3. The proceedings taken by the regional district school committee of said District on March third and twenty-first, nineteen hundred and eighty-eight and in the towns of Warren and West Brookfield on May eleventh, nineteen hundred and eighty-eight at which said amendments were voted, are hereby validated, ratified, and confirmed in

all respects, as though this act had been in full force and effect at the time of said proceedings.

SECTION 4. The provisions of this section shall apply to the annual district elections of the Quaboag Regional School District to be held in each year in two sessions, one such session to be held in the town of Warren and the other in the town of West Brookfield and such sessions collectively shall constitute the annual district election. Said sessions shall be held on the same day as the annual town election of such town as provided for in the amendments to the regional school district agreement described in sections two and three.

(a) The day, location, and number of polling places and the hours during which the polls shall be open at the session held in each member town shall be the same as for the annual town election in such town, but the names of the candidates for election to the regional district school committee shall be contained on a separate ballot. The candidates for election to the regional district school committee shall be listed on the ballots and elected by categories as follows: (1) member or members from Warren and; (2) member or members from West Brookfield.

(b) Candidates for election to membership on the regional district school committee shall be nominated by filing with the secretary of the regional district school committee nomination papers which have been signed by at least forty registered voters of one or more of the member towns. Such papers shall be filed not less than forty-five nor more than ninety days before the first session of the annual district election. The district secretary shall annually post in at least one public place in each member town and publish in a newspaper of general circulation in the district a notice stating the dates between which nomination papers may be filed and the number of vacancies to be filled, said posting and publishing to be at least one week prior to the first date on which nomination papers may be filed. Forthwith upon receipt of nomination papers, the district secretary shall verify that such papers have been signed by the required number of registered voters, using voting lists furnished to said secretary by the registrars of voters of each member town. If the district secretary shall determine that such papers have been signed by the required number of registered voters, the candidate shall then be deemed duly nominated. In lieu of filing nomination papers, an elected member of the regional district school committee may, within the period prescribed above, file with the district secretary a written declaration of intent to be a candidate for reelection and shall thereupon be deemed duly nominated.

(c) Annual district elections held under this section shall be called by a warrant which shall be addressed to the registered voters of the member towns and signed by a majority of the members of the regional district school committee and which shall set forth the dates of each session of the election, the polling place or places in each town, the hours which the polls will be opened and closed in each town, and the number of members resident in each member town who are to be elected. Notice of the

election shall be given by posting a copy of the warrant attested by the district secretary in at least one public place in each member town and by publishing a copy thereof at least once in a newspaper of general circulation in the district seven days before the first session of the election. A certificate of the district secretary shall be conclusive evidence of the posting and publication of the warrant. Upon completion of the voting at the first session, the ballots cast for election to the regional district school committee shall not be counted, but shall forthwith be packaged and sealed, impounded and held in a safe place in the custody of the town clerk where they shall not be inspected or made available for inspection by anyone until the polls have closed at the second session. Upon completion of the voting at the second session of the election, the ballots cast at each session shall be counted and the town clerks of the respective member towns shall certify the results of the election to the regional district school committee. The regional district school committee shall tabulate such results at a meeting of the regional district school committee; and the chairman of the regional district school committee shall thereupon announce the names of the persons elected to membership on the regional district school committee. Thereafter, the certifications of the town clerks and the tabulations of the regional district school committee shall be kept by the district secretary with the records of the regional school district. Promptly after their election, members of the regional district school committee shall be sworn to the faithful discharge of their duties by the town clerk of the town in which they reside, and in each case, a record of such oath shall be made and delivered to the district secretary by the town clerk. Except as provided in the regional school district agreement, the annual district election shall be conducted in each member town in the same manner as town meetings for the election of town officers. The expenses of that part of the election shall be borne by such member town.

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

Approved October 22, 1988.

Chapter 270. AN ACT PROVIDING FOR THE EQUITABLE AND COST EFFICIENT ESTABLISHMENT OF PUBLIC ASSISTANCE RATES FOR CHRONIC DISEASE HOSPITALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the equitable and cost efficient establishment of public assistance rates for chronic disease hospitals, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 6A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the tenth paragraph the following four paragraphs:-

In establishing rates of payments for hospitals with a majority of their beds licensed by the department of public health to provide chronic disease or rehabilitation hospital services, the commission shall annually establish rates of payment which may include administratively necessary day rates. Each rate established by the commission shall meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable quality and safety standards. Such rates as may be established from time to time for payment of administratively necessary days shall meet the reasonable costs of each individual hospital providing such care.

In the event the commission does establish administratively necessary day rates, it shall also establish, and separately calculate, rates of payment for other public assistance patients so that each rate of payment meets the reasonable costs of the individual hospital for services provided to the patient for whom the rate applies and that total reimbursement received by the individual hospital is no less than its total reasonable costs, as defined by the commission. Such administratively necessary day rates for chronic disease or rehabilitation hospitals as may be established from time to time shall only apply to patients for whom medically necessary care is usually provided to public assistance recipients admitted to nonhospital facilities within a twenty-five mile radius of the domicile of any individual recipient or his family. Determinations as to the medical necessity of patient care shall only be made by physician members of each hospital's utilization review committee, and may only be subject to review by such peer review organizations as are duly authorized under the Social Security Act, 42 USC 1320c, et seq., which find and certify that the medical services required by the individual patient are usually provided to public assistance recipients in nonhospital facilities located within said twenty-five mile radius of the domicile of any individual patient. Determinations of the medical necessity of care provided to patients by non-acute hospitals shall not be subject to any substantive standards other than generally accepted medical practice.

Administratively necessary day rates shall operate prospectively and shall only apply to hospital services provided subsequent to the individual patient, the patient's representative, or attending physician receiving notice and an opportunity for an adjudicatory hearing to be conducted by the division of administrative law appeals established by section four H of chapter seven. In the event a physician or hospital, but not a patient interposes an appeal, the decision, including any administratively necessary day rates, shall operate retroactively to the date such notice was given. In the event a patient interposes an appeal, the decision, including any administratively necessary day rates, shall operate prospectively from the date of a decision by the division. Said hearing shall determine whether the decision of the peer review organization or

utilization review committee was correct and in accordance with law.

In the event the commission does establish administratively necessary day rates, it shall provide exemptions therefrom authorized by 42 USC 1395x (v) (G). In addition to such other criteria as the commission may establish, each non-acute hospital with an average occupancy of eighty per cent or more of its staffed beds, which has had a majority of patient admissions subject to review by the provider review organizations pursuant to 42 USC 1320c, et seq., shall be entitled to an exemption from administratively necessary day rates. The provisions of this section shall, at the option of an individual hospital, be applied to settle disputes which were filed in court on or before June first, nineteen hundred and eighty-eight, between a non-acute hospital, the commission or the department of public welfare concerning the determination of administratively necessary days and rates.

SECTION 2. Said chapter 6A is hereby further amended by inserting after section 37 the following section:-

Section 37A. (a) For the purpose of determining rates of payment under section thirty-two and approving the charges, reasonable financial requirements and budgets of non-acute hospitals under sections thirty-seven, thirty-eight and thirty-nine the commission shall increase the composite inflation allowance of each non-acute hospital by a factor of two-hundredths. Said increase in the composite inflation allowance of each hospital shall be expended during each fiscal year, commencing with the fiscal year nineteen hundred and eighty-eight, for the compensation of technicians, nurses, and nursing aides, orderlies and attendants, and occupational, speech, recreational, physical, and respiratory therapists. Any amount not so expended by a non-acute hospital during any fiscal year shall be reduced by the commission in its approval of rates, charges and reasonable financial requirements for such non-acute hospital in the next subsequent year. The commission shall in addition to any inflation and volume allowance, provide non-acute hospitals allowances to remedy labor shortages of full time equivalent employees and for wage parity requirements of the individual non-acute hospital. The commission shall not impose any limitation on the grounds upon which a non-acute hospital may apply for such relief under this paragraph, but shall review the merits of each application. Grounds upon which relief to remedy a labor shortage or to provide for wage parity requirements shall include, but not be limited to:

(1) where an employee vacancy rate exists in excess of the number of full time equivalent patient care employees contained in a plan of correction which has been accepted by the department of public health after it has issued a deficiency citation that patient care services are insufficient at a non-acute hospital or where an insufficient number of patient care personnel exists as determined by any patient care assessment method used by an individual non-acute hospital for accreditation by the joint commission on accreditation of hospitals;

(2) where the individual non-acute hospital demonstrates that after

engaging in bona fide recruitment efforts it has experienced difficulty recruiting and retaining employees due to its location or for any other reason and, therefore, must make expenditures in excess of the amount allowed by the commission to recruit and retain labor.

For the purposes of making an application under the provisions of this section, any hospital may use annual wage data reported by the Massachusetts hospital association and the United States bureau of labor statistics which shall constitute evidence that the non-acute hospital is entitled to an allowance under this section.

(b) The allowances granted under the provisions of this section shall assure that the allowed total compensation for full time equivalent employees is sufficient for each non-acute hospital to attract and retain a sufficient number of employees within each classification of employees to provide quality patient care. Where a non-acute hospital is entitled to an allowance under the provisions of this section due to its reliance on patient care personnel acquired through temporary employment agencies, such allowance shall reflect full time equivalent compensation which is no less than the annualized hourly charge of such temporary employment agencies for each class of employees, less an imputed amount of fifteen per cent for agency overhead or actual average agency overhead if obtained and verified by the commission, less the amount otherwise allowed in base year costs per full time equivalent employee within the job classifications for which relief is provided.

SECTION 3. Said chapter 6A is hereby further amended by striking out section 42, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 42. Any non-acute hospital aggrieved by any action or failure to act by the commission under this chapter, unless another appeal is provided for by this chapter or chapter one hundred and seventy-six A, may file an appeal with the division of administrative law appeals established pursuant to section four H of chapter seven. Said appeal shall be filed within thirty days of a hospital's receipt of notice of any action by the commission or at any time in the event of inaction by the commission. On any such appeal the division of administrative law appeals shall conduct an adjudicatory proceeding which shall be governed by the provisions of chapter thirty A. The division shall determine whether the commission's application of its regulations to an individual hospital or any other action or failure to act by the commission is in conformity with law and, notwithstanding that the commission may have correctly applied its regulations, that all charges, allowed costs, reasonable financial requirements, costs, rates, prices or the like meet the provision of this chapter, are fair, reasonable and adequate in such specific circumstances as may be presented by the hospital, are not confiscatory and otherwise are in accordance with law. Judicial review of the division's decision and order shall be governed by section fourteen of chapter thirty A. Any hospital may seek interim relief from the superior court while any such appeal is pending.

(The foregoing was laid before the Governor on the 11th day of October, 1988 and after ten days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

October 24, 1988

Chapter 271. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF ATTLEBORO AS THE ATTLEBORO VIETNAM VETERANS BRIDGE.

Be it enacted, etc., as follows:

The bridge on Lindsey street running over the Conrail tracks in the city of Attleboro shall be designated and known as the Attleboro Vietnam Veterans bridge. Suitable markers bearing such designation shall be attached thereto by the department of public works in accordance with the standards of said department.

Approved October 28, 1988.
EMERGENCY LETTER: October 28, 1988 @ 1:19 PM

Chapter 272. AN ACT RELATIVE TO RENT CONTROL IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Subsection (b) of section 3 of chapter 36 of the acts of 1976 is hereby amended by adding the following paragraph:–

(8) the unit that is an owner's principal residence, while vacated and rented by said owner for a period not to exceed two years, if said owner has not taken up residence elsewhere with the intention of not returning and has resided in the principal residence for at least two years immediately before vacating it.

SECTION 2. This act shall not apply to leases agreed to and tenancies created before the effective date of this act.

Approved October 28, 1988.

Chapter 273. AN ACT RELATIVE TO MOTOR VEHICLE INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate automobile 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:

SECTION 1. It is hereby found and declared:

That the purpose of this act is to restructure the automobile insurance system so as to provide residents of the commonwealth with effective automobile insurance protection at rates which are adequate, just, reasonable and nondiscriminatory. It is the intention of the legislature that the provisions of this act should result in future savings to consumers similar to those which would have occurred if this act had been in effect in nineteen hundred and eighty-eight. In particular, the legislature anticipates that the automobile insurance rates fixed and established by the commissioner of insurance for nineteen hundred and eighty-nine will reflect at least the following approximate savings from otherwise determined rates as a result of the changes prescribed by the indicated sections:

Three per cent savings attributable to the increase in the tort threshold to two thousand dollars and the personal injury protection benefits to eight thousand dollars, in sections fifteen and fifty-five;

Two per cent additional savings attributable to making underinsured coverage optional, in section forty-six;

Two per cent additional savings attributable to changing the "trigger" for compulsory and non-compulsory underinsured coverages, also in section forty-six;

Two per cent additional savings attributable to the prohibition on "stacking" underinsured coverages in separate policies, in section forty-seven;

Two per cent additional savings attributable to increasing the standard deductible for collision and comprehensive coverage to five hundred dollars, with a three hundred dollar minimum, in sections twenty and forty-eight;

Four per cent additional savings attributable to permitting insurance companies to pay consumers directly for automobile damage repairs and to refer consumers to automobile repair shops, in sections twenty-four, and fifty-one;

One half of one per cent additional savings attributable to creating an optional deductible of one hundred dollars for glass damage, in section fifty;

One half of one per cent additional savings for safe drivers attributable to increased surcharges for bad drivers, pursuant to section thirty-eight;

One tenth of one per cent additional savings attributable to increasing penalties for uninsured drivers, in section fifty-six.

SECTION 2. Chapter 6 of the General Laws is hereby amended by inserting after section 183 the following section:-

Section 183A. There is hereby established a Massachusetts cost containment council, hereinafter called the council. The council shall consist of the following persons or their designees: the secretary of consumer affairs, who shall serve as chairman, the commissioner of

insurance, the secretary of public safety, the registrar of motor vehicles, the commissioner of the state police, the secretary of transportation and construction, the commissioner of public works, the attorney general, the president of the association of district attorneys, the executive director of the governor's statewide anti-crime council, the chief administrative justice of the trial court, the executive director of the judicial institute, and the commissioner of probation. The council shall annually formulate and administer a plan that, at a minimum, shall include performance standards for reductions in motor vehicle insurance fraud, motor vehicle thefts, motor vehicle arson, motor vehicle accident frequency and severity, and the number of uninsured motorists. The council is hereby authorized and directed to stimulate activities, develop proposals and increase inter-agency cooperation for the purpose of implementing said plan.

The projects undertaken or originated by the council shall include but shall not be limited to the following: improvement, expansion and coordination of safe driver education for residents of the commonwealth when they obtain and renew licenses, purchase automobile insurance, and are charged with or convicted of offenses pertaining to unsafe driving; improvement of the content of and appropriate expansion of access to information needed to enforce automobile theft and fraud laws, including accident reports, theft reports, automobile arson reports, criminal histories, automobile titles and certificates of origin, and suspicious insurance claims; development of sentencing guidelines and model sentencing recommendations for offenses pertaining to unsafe driving and automobile theft and fraud in order to increase the certainty of punishment for these crimes, either through incarceration or through alternative sentences such as mandatory driver education or electronic monitoring, as appropriate; training of judges concerning the relevant provisions of this act, including appropriate case management techniques; training of registry of motor vehicles and law enforcement personnel in relevant law enforcement techniques, such as identification of stolen automobiles, recognition of forged title and registration documents, and identification of potential fraud in accident reports and other documents; and public awareness campaigns concerning the prevention of automobile theft.

The council shall annually on or before November first inform the general court of its activities by filing a report with the clerk of the senate, who shall forward said report to the senate and house committees on ways and means and the joint committee on insurance. Said report shall state the reductions in motor vehicle insurance cost factors realized by the programs and projects set forth in the council's annual plan and shall include any recommendations deemed necessary by the council for legislation needed to improve future performance.

SECTION 3. Section 8G of chapter 26 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 para-

graph:-

Applications for registration as licensed motor vehicle damage appraisers signed and sworn to by the applicants, shall be made upon forms furnished by the board. Each applicant who shall furnish the board with satisfactory proof that he is eighteen years of age or over and of good moral character, that he possesses the educational qualifications required for graduation from high school or that he possesses relevant work experience deemed satisfactory by the board, shall, upon payment of fifty dollars, be examined, and if found qualified by the board, be registered as a licensed appraiser of motor vehicle physical damage and entitled to a numbered certificate in testimony thereof, signed by the chairman of the board. An applicant failing to pass an examination satisfactory to the board, shall, after payment of a further fee of twenty-five dollars, be entitled to a reexamination after the expiration of six months from the date of the last examination.

SECTION 4. The first paragraph of section 24H of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the third sentence.

SECTION 5. The second paragraph of said section 24H of said chapter 90, as so appearing, is hereby amended by striking out the second sentence.

SECTION 6. The third paragraph of said section 24H of said chapter 90, as so appearing, is hereby amended by striking out the first sentence.

SECTION 7. The second sentence of said third paragraph of said section 24H of said chapter 90, as so appearing, is hereby amended by striking out, in line 25, the words ", along with the vehicle identification plates,".

SECTION 8. Section 25 of said chapter 90, as so appearing, is hereby amended by striking out, in line 18, the words "not less than twenty-five nor more than".

SECTION 9. Section 30A of said chapter 90, as so appearing, is hereby amended by inserting after the word "plan", in line 9, the words:- and for the purpose of complying with the requirements of sections one A, thirty-four A, thirty-four B and thirty-four H pertaining to motor vehicle liability policies.

SECTION 10. Said chapter 90 is hereby further amended by inserting after section 30A the following section:-

Section 30B. The secretary of public safety is hereby authorized and directed to enter into a compact on behalf of the commonwealth with any other jurisdiction legally joining therein in the form substantially as follows:

(I) (a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home State" means the state that has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative rule or regulation; or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

(II) The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the security; and shall include any special findings made in connection therewith.

(III) (a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to subsection II as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(b) As to other convictions, reported pursuant to subsection II, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state;

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this subsection, such party state shall construe the denominations and descriptions appearing in the subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this subsection.

(IV) Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such sus-

pension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation; and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and current in force unless the applicant surrenders such license.

(V) Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

(VI) (a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

(VII) (a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

(VIII) This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable; and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as the remaining states and in full force and effect as to the state affected to all severable matters.

(IX) As used in the compact, the term "licensing authority" with reference to this state shall mean the registrar of motor vehicles. Said registrar shall furnish to the appropriate authorities of any party state

any information or documents reasonably necessary to facilitate the administration of subsections II, III and IV of the compact.

(X) The compact administrator provided for in subsection VI of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as administrator, in the same manner, as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

(XI) As used in the compact, with reference to this state, the term "executive head" shall mean the governor.

(XII) Any court or any other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the registrar within fourteen days on forms approved by the registrar.

SECTION 11. Section 34A of said chapter 90, as so appearing, is hereby amended by striking out, in lines 54 and 97, the word "ten" and inserting in place thereof, in each instance, the word:- fifteen.

SECTION 12. Said section 34A of said chapter 90 is hereby further amended by striking out the word "fifteen", inserted by section 11 of this act, and inserting in place thereof the word:- twenty.

SECTION 13. Said section 34A of said chapter 90, as appearing in the 1986 Official Edition, is hereby further amended by striking out, in lines 56 and 99, the word "twenty" and inserting in place thereof, in each instance, the word:- thirty.

SECTION 14. Said section 34A of said chapter 90 is hereby further amended by striking out the word "thirty", inserted by section 13 of this act, and inserting in place thereof the word:- forty.

SECTION 15. The definition of "Personal injury protection" in said section 34A of said chapter 90, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 155, the word "two" and inserting in place thereof the word:- eight.

SECTION 16. Said definition of "Personal injury protection" in said section 34A of said chapter 90, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the foregoing, personal injury protection provisions shall not provide for payment of more than two thousand dollars of expenses incurred within two years from the date of accident for medical, surgical, X-ray and dental services, including prosthetic devices and necessary ambulance, hospital, professional nursing and funeral services if, and to the extent that, such expenses have been or will be compensated, paid or indemnified pursuant to any policy of health, sick-

ness or disability insurance or any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. No policy of health, sickness or disability insurance and no contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services, shall deny coverage for said expenses because of the existence of personal injury protection benefits. Notwithstanding the provisions of section seventy A of chapter one hundred and eleven of the General Laws, no entity which is the source of the provision, payment or reimbursement of said expenses shall recover any amount against the claimant nor shall it be subrogated to the rights of the claimant for more than two thousand dollars of personal injury protection benefits, nor shall it have a lien against the claimant's personal injury protection benefits on account of its provision payment of reimbursement of said expenses. Within two years from the date of the accident, if the claimant has a policy of insurance which provides health benefits or income disability coverage, and the claimant is unwilling or unable to pay the costs of renewing or continuing that policy of insurance in force, the insurer providing personal injury protection coverage to the claimant may tender to the claimant the cost of maintaining the said policy in force for the two year period. Upon receipt of such tender, the claimant shall continue such policy of insurance; or an equivalent policy in force for the two year period. Nothing in this subsection shall be construed to compel a claimant to renew or maintain any policy of insurance in force prior to receipt of the said tender, or to interfere in any way with the claimant's choice of physician or course of medical treatment.

SECTION 17. Section 34J of said chapter 90, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "three hundred dollars nor more than one thousand five hundred" and inserting in place thereof the words:- five hundred nor more than five thousand.,- and by striking out, in lines 10 and 11, the words "two hundred dollars of any".

SECTION 18. Said section 34J of said chapter 90, as so appearing, is hereby further amended by adding at the end thereof the following two paragraphs:-

In proceedings under this section, written certification by the registrar of motor vehicles that the registry of motor vehicles has no record of a motor vehicle liability policy or bond or deposit in effect at the time of the alleged offense as required by the provisions of this chapter for the motor vehicle alleged to have been operated in violation of this section, shall be admissible as evidence in any court of the commonwealth and shall raise a rebuttable presumption that no such motor vehicle liability policy or bond or deposit was in effect for said vehicle at the time of the alleged offense. Such presumption may be rebutted and overcome by evidence that a motor vehicle liability policy or bond or deposit was in effect for such vehicle at the time of the alleged offense.

Any person who is convicted of, or who enters a plea of guilty to a violation of this section shall be liable to the plan organized pursuant to section one hundred and thirteen H of chapter one hundred and seventy-five in the amount of the greater of five hundred dollars or one year's premium for compulsory motor vehicle insurance for the highest rated territory and class or risk in effect at the time of the commission of the offense. Said liability shall be in addition to all other liabilities imposed on the person so convicted or so pleading whether civil or criminal. The said plan shall apply any sums collected hereunder, to defray its costs of collection and to defray in whole or in part its expenses for preventing fraud and arson. Furthermore, any person who is convicted of, or enters a plea of guilty to a violation of this section shall have his or her license or right to operate a motor vehicle suspended for sixty days by the registrar of motor vehicles upon the registrar's receipt of notification from the clerk of any court which enters any conviction hereunder or which accepts such plea of guilty. The clerk of any court which enters any conviction hereunder or which accepts such plea shall promptly notify the registrar of motor vehicles and the Commonwealth Auto Reinsurers pursuant to section one hundred and thirteen of chapter one hundred and seventy-five or any successor thereto of such entry of acceptance of such plea. For any second or subsequent said conviction or plea of guilty within a six year period the offender's license or right to operate a motor vehicle shall be suspended for one year by the registrar upon the registrar's receipt of such notification by the clerk of any such court.

SECTION 19. The sixth paragraph of section 34M of said chapter 90, as so appearing, is hereby amended by striking out, in line 107, the words "or two thousand dollars" and inserting in place thereof the words:- two thousand dollars, four thousand dollars or eight thousand dollars.

SECTION 20. Section 34 O of said chapter 90, as so appearing, is hereby amended by striking out, in lines 30, 57 and 99, the word "three" and inserting in place thereof, in each instance, the word:- five,- and by striking out, in line 100, the word "one" and inserting in place thereof the word:- three.

SECTION 21. The sixth paragraph of said section 34 O of said chapter 90, as so appearing, is hereby amended by adding the following sentence:- The charge for said additional coverage shall not exceed the actuarial cost of reducing the deductible from five hundred dollars to three hundred dollars.

SECTION 22. Said section 34 O of said chapter 90, as so appearing, is hereby further amended by inserting after the sixth paragraph the following paragraph:-

The insurer may require a deductible of five hundred dollars on collision and limited collision coverage for any policyholder after a major at-fault accident as determined by the commissioner of insurance and on

record with the motor vehicle insurance merit rating board established pursuant to section one hundred and eighty-three of chapter six; provided, however, that no insurer may require such increased deductible for any such accident occurring on or before August first, nineteen hundred and eighty-eight; and provided, further, that no such increased deductible may be required for more than three policy years following the date of such accident.

SECTION 23. Said section 34 O of said chapter 90, as so appearing, is hereby further amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

Insurers shall also make available to all policyholders at their option deductible amounts of one thousand dollars. The insurance commissioner may approve or require other optional deductible amounts in excess of five hundred dollars.

SECTION 24. Said section 34 O of said chapter 90, as so appearing, is hereby further amended by striking out the tenth paragraph and inserting in place thereof the following paragraphs:-

No insurer shall make any payments to the insured under collision coverage or limited collision coverage policies unless it has received a claim form from the insured stating that the repair work described in an appraisal made pursuant to regulations promulgated by the auto damage appraisers licensing board has been completed, except for payments made in accordance with a plan filed and approved pursuant to the following paragraph. In any case where the insurer fails to make payment within seven days of receipt of the above claim form, the insured may commence a civil action for payments claimed to be due. If the court determines that the insurer was unreasonable in refusing to pay said insured's claim, the claimant shall be entitled to recover double the amount of damage plus costs and reasonable attorneys' fees fixed by the court. If such claim form is not received by the insurer, the insurer shall pay to the insured only the decrease in actual value of the insured vehicle less any deductible. If the insured elects not to repair the vehicle, or if the insurer does not receive a claim form from the insured stating that the repair work has been completed, the insurer shall decrease the actual cash value of the insured vehicle by the amount of damage sustained. Said claim form shall indicate as to whether the insured is current or not current in the payment of his automobile insurance premiums. The insurer shall be required to make payment directly to the repair shop within seven days of receipt of the claim form stating that the work has been completed if the insured has so indicated to the insurer in writing. Receipt by registered mail shall be sufficient proof of receipt. Failure to so make payment within seven days to the repair shop shall result in penalties being imposed against the insurer as established by the board.

Notwithstanding the previous paragraph or any other law, an insurer may file a plan for approval by the commissioner providing for direct payment by the insurer to the insured for the loss of or damage to the in-

sured motor vehicle under collision coverage or limited collision coverage policies prior to receipt by the insurer of a claim form from the insured stating that the repair work described in an appraisal made pursuant to regulations promulgated by the auto damage appraisers licensing board has been completed. Such plan shall not be approved unless it: (a) provides for a procedure acceptable to the commissioner to resolve any dispute between the insured and the insurer as to the adequacy of the payment; (b) provides for adequate disclosure to the insured of his or her rights hereunder; and (c) contains such other terms and conditions as the commissioner shall prescribe.

The commissioner may revoke approval for such a plan if he determines that the insurer is not complying with its terms or that the plan does not carry out the purposes of this section. If an insured under collision coverage or limited collision coverage, so called, elects not to repair an insured vehicle for which a claim payment has been made under one of said coverages or if the insurer does not receive a claim form from the insured certifying that the repair work has been done in accordance with an appraisal made pursuant to regulations promulgated by the auto damage appraisers licensing board, then the insurer and any successor insurer shall decrease the actual cash value of the insured vehicle by the amount of the claim payment plus any applicable deductible until such time as the insurer or any successor insurer receives a claim form with the certification described above, provided, however, that for at least seventy-five per cent of those claims where the appraisal indicates that the cost of repairs will exceed four thousand dollars and at least twenty-five per cent of those claims where the appraisal indicates that the cost of repairs will be four thousand dollars or less, a licensed auto damage appraiser shall reinspect the vehicle following completion of repairs and shall certify on the claim form that the work has been completed in accordance with an appraisal made pursuant to said regulations. The commissioner shall hold a hearing prior to approval of any such plan or plans. The commissioner shall have the authority to promulgate such rules and regulations as he deems necessary for the implementation of this paragraph.

The commissioner may require any plan filed pursuant to the preceding paragraph to provide (a) that the insured will be given a list of at least five registered repair shops, geographically convenient for the insured, from which the insured may at his or her option select a shop, which will without undue delay complete the repair work for the amount of the payment to the insured, plus any applicable deductible, that the insurer will guarantee the quality of the materials and workmanship used in making repairs if the repairs are performed at one of the repair shops so listed;

(b) that in no event shall the selection of vehicles for reinspection be based on the age or sex of the policyholder or of the customary operators of the vehicle, or on the principal place of garaging the vehicle; and

(c) that no insurer or appraiser shall require that repairs to any motor vehicle be made at any specific repair shop, or list of repair shops; and

(d) that in determining which repair shops will be listed as described above, the insurer shall consider only the quality and cost of repairs at a particular shop, the quality of the service given the customer, the responsiveness of the shop to customers' needs, the ability of the shop to perform repairs without undue delay, the geographic convenience of the shop for the insured, cooperation of the shop with pre- and post-repair inspections, and the shop's compliance with applicable laws and regulations. A repair shop shall be included on the list prepared by the insurer if the shop agrees in writing to comply in full with the plan filed by the insurer and approved by the commissioner. An insurer may strike a shop from the list provided it files a statement with the commissioner specifying the nature of the shop's failure to comply with the plan. Such plan shall include a fair and adequate procedure for relief for repair shops improperly stricken from such list; and

(e) no employee or agent of an insurer with responsibility for creating, managing or maintaining a list of repair shops as described above shall receive or ask for any payment, gift or other thing of value from any repair shop included, or seeking to be included, in the said list of repair shops, and no repair shop, or employee or owner thereof, shall give, pay or offer to give or pay any money or thing of value to any employee or agent of an insurer with responsibility for creating, managing or maintaining a list of repair shops. No repair shop, or employee, owner or agent thereof, shall give or pay, or offer to give or pay, any thing of value to any person in exchange for being included, or as an inducement to be included, on such a list of repair shops. For purposes of this paragraph, the words "employee", "owner" and "agent" shall also include any spouse or child of an employee, owner or agent. Violation of the provision of this paragraph may be grounds for revocation or suspension of any certificate of registration or license held under chapter one hundred A or chapter one hundred and seventy-five.

SECTION 25. The last paragraph of said section 34 O of said chapter 90, added by chapter 189 of the acts of 1987, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- Notwithstanding the provisions of subparagraphs (1) and (2) of the third paragraph, no insurer shall make payments to any repair shop located in the commonwealth for repairs to a motor vehicle under the collision and limited collision provisions of this section, unless such repairs have been made in a repair shop that certifies that it (a) is a registered motor vehicle repair shop under chapter one hundred A; (b) 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; (c) has in effect a policy of liability insurance for protection of its customers and their property; (d) has obtained a sales and use tax identification number pursuant to chapters sixty-four H and sixty-four I; (e) has filed notification of hazardous waste activity under chapter twenty-one C and the Federal Resource Conservation and Recovery Act and (f) maintains records of all parts purchased for use in

the repair of motor vehicles during the preceding eighteen months on a uniform form as prescribed by the board established pursuant to section eight G of chapter twenty-six. Such repair shop shall certify on a completed work claim form that it meets these requirements and shall list its applicable license, registration and policy numbers on such form.

SECTION 26. Said chapter 90 is hereby further amended by inserting after section 34P the following section:-

Section 34Q. Notwithstanding any general or special law, regulation or rule to the contrary, there is hereby authorized the insurance of liabilities incurred in the operation of motor vehicles by nonowner operators or in the operation of hired motor vehicles by endorsements in a general liability policy of insurance or by endorsements in a multi-peril policy of insurance, such endorsements to be distinct from, or in addition to, such endorsements presently authorized in statutory motor vehicle policies of insurance.

SECTION 27. Section 1 of chapter 90D of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "Supporting documents" the following definition:-

"Total loss salvage motor vehicle", a motor vehicle which has been stolen and unrecovered or which has been wrecked, destroyed or damaged by collision, fire, water, or other occurrence to such an extent that the owner or if the vehicle was insured, the insurer, considers it uneconomical to repair the vehicle and because of this, the vehicle is not repaired by or for the person who owned the vehicle at the time of the event resulting in such damage.

SECTION 28. Section 17 of said chapter 90D, as so appearing, is hereby amended by striking out paragraph (d).

SECTION 29. Said chapter 90D is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following six sections:-

Section 20. (a) Whenever an insurer acquires ownership of a motor vehicle which it has determined to be a total loss salvage motor vehicle, it shall, within ten days from the date of acquisition, surrender the certificate of title to the registrar and shall apply for a salvage title.

(b) Whenever an insurer makes a total loss settlement on a vehicle which it has determined to be a total loss salvage motor vehicle and the insured owner or claimant retains possession and ownership of the vehicle, the insurer shall notify the registrar of such retention on a form prescribed by the registrar and the owner shall, within ten days of such settlement, surrender the certificate of title to the registrar and shall apply for a salvage title. The insurer shall notify the insured owner or claimant of said owner's or claimant's responsibility to comply with the provisions of this section.

(c) Whenever a motor vehicle which is not the subject of an insurance

settlement is damaged to such an extent that the owner determines said vehicle to be a total loss salvage motor vehicle, the owner shall surrender the certificate of title to the registrar and shall promptly apply for a salvage title.

(d) A total loss salvage motor vehicle shall not be titled under this chapter or registered for operation under chapter ninety unless the owner complies with the provisions of section twenty D. The owner of a total loss salvage motor vehicle shall not transfer such vehicle except in accordance with section twenty C.

Section 20A. (a) The application for the salvage title shall be made by the owner to the registrar on such form or forms as the registrar shall prescribe and shall be accompanied by: (1) a properly assigned certificate of title; (2) any other information and documents the registrar may reasonably require to establish ownership of the vehicle and the existence or nonexistence of a lien; and (3) the required fee.

(b) The registrar shall file each application for salvage title received and maintain adequate record thereof and, when satisfied as to its genuineness and regularity, shall within two registry business days following the date of application, issue a salvage title. The salvage title shall serve as proof of ownership and shall contain the name and address of the owner, a description of the vehicle, a salvage certificate serial number and any other data the registrar prescribes.

Section 20B. (a) No salvage title need be obtained for: (1) a vehicle owned by the United States unless it is registered in accordance with the provisions of chapter ninety; (2) a vehicle moved solely by animal power; (3) an implement of husbandry; (4) special mobile equipment; (5) trailers; (6) passenger vehicles ten or more years old; or (7) mobile homes as defined in section thirty-two Q of chapter one hundred and forty.

Section 20C. (a) If an owner of a vehicle for which a salvage title has been issued under this chapter transfers his interest therein, he shall execute the assignment to the transferee on the space provided therefor on the salvage title or on such other form as the registrar shall prescribe and cause the title and assignment to be delivered to the transferee at the time of delivery of the vehicle.

(b) Except for dealers licensed under the provisions of section fifty-nine of chapter one hundred and forty, the transferee of a vehicle for which a salvage title has been issued under this chapter or under the laws, of another state shall, within ten days after receiving delivery of the total loss salvage vehicle, apply for a new salvage title on the form prescribed by the registrar. The application shall be accompanied by the properly executed salvage title, required fee and any other information and documents the registrar may reasonably require to establish ownership of the vehicle.

(c) If a dealer, licensed under the provisions of section fifty-nine of chapter one hundred and forty, is a transferee of a vehicle for which a salvage title has been issued, he need not apply for a new salvage title but, upon transferring the vehicle, shall execute the assignment to the transferee in the space provided for such dealer assignments on the title

on such form as the registrar prescribes and cause the title and assignment to be delivered to the transferee.

(d) Any transferor of a vehicle for which a salvage title has been issued under this chapter shall fully and fairly disclose that fact to any transferee for value. The secretary of consumer affairs and business regulation may by regulation provide for the timing, form and content of such disclosure.

(e) The registrar may issue a salvage title for any motor vehicle which is transferred into the commonwealth and which was previously covered by a similar title from any other state.

(f) The owner of any vehicle which would qualify as a "total loss salvage vehicle" under section one of chapter ninety D which is transferred into the commonwealth but was not covered by a similar title from another state shall apply for a salvage title from the registrar.

Section 20D. (a) Any owner who reconstructs or restores a total loss salvage motor vehicle to its operating condition which existed prior to the event which caused a salvage title to issue under this chapter or the laws of another state, or who recovers a total loss salvage motor vehicle if stolen, shall make application to the registrar for a certificate of title and an inspection of the vehicle prior to registration or sale of said vehicle. Each application for title and inspection shall be accompanied by the following:

(1) the outstanding salvage title previously issued for the salvage vehicle;

(2) bills of sale evidencing acquisition of all major component parts used to restore the vehicle, listing the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if such part contained or should contain the manufacturer's vehicle identification number;

(3) the owner shall also provide a sworn affidavit in the form prescribed by the registrar which states that: (i) the identification numbers of the restored vehicle and its parts have not been removed, destroyed, falsified, altered or defaced; (ii) the salvage title document attached to the application has not been forged, falsified, altered or counterfeited; (iii) all information contained on the application and its attachments is true and correct to the knowledge of the owner; and

(4) the required inspection fee.

The inspection shall include an examination of the vehicle and its major component parts to determine that the vehicle's identification number or its parts have not been removed, falsified, altered, defaced, destroyed or tampered with, that the vehicle information contained in the application and supporting documents is true and correct, and that there is no indication that the vehicle or any of its parts are stolen. Said inspection shall be conducted by a person appointed under the provisions of section twenty-nine of chapter ninety. Such inspection is not for the purpose of checking road-worthiness or the safety condition of the vehicle. No liability shall be imposed upon the registrar of motor vehicles or upon the commonwealth or its agents or employees which may

result from, or be connected with, any act or omission related to said inspection.

(b) Upon satisfactory inspection results, and receipt of all required documents and fees, the registrar shall issue a new certificate of title in the name of the owner which shall contain the notation "reconstructed", or if the vehicle was a stolen vehicle which was subsequently recovered in an undamaged condition, said certificate shall contain the notation "recovered theft vehicle".

Section 20E. (a) Any person who takes possession of a motor vehicle for the purpose of junking or scrapping shall within ten days after receipt of delivery, cause the certificate of title, salvage title or any other document required by the registrar as proof of ownership, to be surrendered to the registrar for cancellation. Said person shall maintain an adequate record of said cancellation which shall contain the name and address of the owner, a complete description of the vehicle including the vehicle identification number.

(b) The registrar shall maintain an adequate record of said cancellation, which shall contain the name and address of the owner, a complete description of the vehicle including the vehicle identification number. The vehicle identification number shall remain attached to said vehicle upon destruction.

(c) A motor vehicle for which the certificate of title, salvage title or any other document required by the registrar as proof of ownership, which has been surrendered for cancellation under this section shall not be titled under this chapter or registered to operate under chapter ninety.

SECTION 30. Section 28 of said chapter 90D, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:–

(1) For filing an application for a first certificate of title, a certificate of title after a transfer, or a salvage title.

SECTION 31. Said chapter 90D is hereby further amended by striking out section 32, as so appearing, and inserting in place thereof the following section:–

Section 32. (a) Whoever falsely makes, alters, forges, or counterfeits a certificate of title or salvage title; or alters or forges an assignment of a certificate of title or salvage title, or supporting documents, or an assignment or release of a security interest on a certificate of title or a form the registrar prescribes; or has possession of or uses a certificate of title or salvage title, knowing it to have been altered, forged, or counterfeited; or uses a false or fictitious name or address, or makes a material false statement or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title or salvage title; or supporting documents, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the state prison for not more than five years, or in a jail or house of correction for not more than two years, or both.

(b) Whoever permits another not entitled thereto, to use or have possession of a certificate of title or salvage title or fails to mail or deliver a certificate of title, salvage title or application therefor to the registrar within ten days after the time required by this chapter, or whoever fails to deliver to the transferee or the registrar a certificate of title or salvage title within ten days after the time required by this chapter, or violates any other provision of the chapter, except as provided for in paragraph (a), shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment in a jail or house of correction for not more than six months, or both.

SECTION 32. The General Laws are hereby further amended by inserting after chapter 100 the following chapter:-

CHAPTER 100A.

MOTOR VEHICLE DAMAGE REPAIR SHOPS.

Section 1. As used in this chapter, the following words, unless the context clearly requires otherwise, shall have the following meanings:

"Director", the director of the division of standards in the executive office of consumer affairs, established by section eleven of chapter six A.

"Registered motor vehicle repair shop", a motor vehicle repair shop which has a current valid certificate of registration issued hereunder.

"Motor vehicle repair", the business or act of repairing damaged motor vehicles in the commonwealth for compensation.

"Motor vehicle repair shop", any person or entity which, for compensation, or with the intention or expectation of receiving the same, repairs or undertakes to repair in the commonwealth a damaged motor vehicle as defined in section thirty-four A of chapter ninety.

"Person", individuals, associations, partnerships and corporations, and the officers, directors and employees of a corporation.

"Unregistered motor vehicle repair shop", a motor vehicle repair shop which does not have a current valid certificate of registration issued hereunder, which has had its registration revoked or suspended, or which has surrendered its certificate of registration hereunder.

Section 2. Any person desiring to be registered as a motor vehicle repair shop shall make written application under oath to the director on a form provided by him. Said application shall set forth the name and address of the applicant and of any other person having financial interest, direct or indirect, in the business to be conducted by the applicant, and such other information as the director shall require, and shall identify at least one natural person who is in charge of the operations of the applicant. Said application shall be accompanied by a registration fee in the amount of one hundred dollars, or such other amount as the secretary of administration and finance pursuant to the provisions of section three B of chapter seven shall establish, together with two letters of recommendation for registration signed by a registered motor vehicle re-

pair shop or by an elected public official or a member of the Massachusetts Bar. Said application shall be further accompanied by a bond upon the applicant in the sum of ten thousand dollars, payable to the director or his successors with sureties approved by the director and conditioned on applicant's compliance with the provisions of this chapter. Said bond shall guarantee the payment of all fines and penalties incurred by applicant as a registered motor vehicle repair shop for his violations of the said provisions, and also guarantee the payment or satisfaction of any final judgments on claims by creditors against the registered motor vehicle repair shop arising in connection with business done under a certificate or registration granted under this chapter, all such payments under said bond to be limited to the amount of said bond. Such a creditor's claim however, must have been duly filed by giving written notice to the director prior to the expiration of sixty days from the return, surrender of said certificate of registration or date of the filing of an affidavit of loss of the certificate of registration held by the registered motor vehicle repair shop against whom the claim is made.

The acceptance by an applicant of a certificate of registration issued by the director to him as a registered motor vehicle repair shop shall be deemed equivalent to an appointment by the registrant of the director, or his successors in office, to be the registrant's true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him or his executor or administrator, arising out of the transaction of business by him under said certificate of registration. Any process against the registrant so served shall, if said registrant is notified as hereinafter provided, be of the same legal force and validity as if served on him personally, and the mailing by the director of a copy of such process to said registrant at his last address, as appearing on the director's records, shall be sufficient notice to him of such service. Service of such process shall be made by delivering or mailing duplicate copies thereof together with a fee of two dollars to the office of the director, and the director shall forthwith send one of said copies by mail, postage prepaid, addressed to the defendant registrant named in such process at his last address as appearing on the director's records.

An affidavit of the director, or of any person authorized by him to send such copy, that such copy has been mailed shall be prima facie evidence thereof. One of the duplicates of such process, certified by the director as having been delivered to the office of the director shall be sufficient evidence of service upon him as attorney for the registrant named as defendant in the process.

Section 2A. Notwithstanding the provisions of section two, the requirement of a bond may be satisfied by the submission of a letter of credit in the amount of ten thousand dollars, in a form approved by the director. Said letter of credit shall accompany the written application prescribed in section two and the applicant shall comply with all other requirements of said section.

Section 3. No application for registration conforming to the requirements of section two shall be denied except after a public hearing

held by the director in accordance with the subject to the conditions of chapter thirty A. No such application shall be denied except upon a finding by the director after said hearing of one or more of the following grounds for denial: (a) that the applicant or any person having a financial interest, direct or indirect, in the business to be conducted by the applicant, has been convicted within the most recent five year period from the date of the application of a felony which may reflect upon his suitability to own or operate; (b) that the applicant or any person having a financial interest, direct or indirect, in the business to be conducted by the applicant, has followed a continuous and flagrant course of misrepresentations or the making of false promises, through advertising or otherwise, in the conduct of motor vehicle repair or otherwise; (c) that the applicant, any person having a financial interest direct or indirect, in the business to be conducted by the applicant, or any registered or previously registered motor vehicle repair shop in which the applicant or such person has or had a financial interest, direct or indirect, has failed to meet or has violated any of the requirements for registered motor vehicle repair shops set forth in this chapter or (d) that the applicant, any person having a financial interest, direct or indirect, in the business to be conducted by the applicant, or any registered or previously registered motor vehicle repair shop in which the applicant or such person has or had a financial interest, direct or indirect, has had registration hereunder denied, revoked, suspended or surrendered during the previous five years. Upon denial of an application, the director shall surrender to the applicant the bond filed with his application within the time set forth, but shall not refund the registration fee.

Section 4. Each certificate of registration issued by the director shall bear a number, shall be valid for one year from the date of its issuance, may be renewed upon application to the director on a form provided by him, shall not be transferable, and may be exercised only by the person whose name appears on the certificate; provided, however, that the registered motor vehicle repair shop may employ unregistered individuals to repair motor vehicles under the registrant's immediate direction and control.

Section 5. Prior to its expiration date, a certificate of registration may be suspended or revoked by the director in accordance with the procedure and on the grounds set forth in section three or eight, or may be terminated by voluntary surrender by the registrant.

Upon the expiration, termination or surrender of a certificate of registration, the registrant shall deliver the certificate of registration to the director who shall cancel the registration, endorse the date of expiration, termination or surrender on the certificate and shall, after a sixty-day period from the date of delivery or after all claims made against the registrant have been satisfied or settled, surrender the registrant's bond and so notify the surety on the bond.

If a certificate of registration is lost, misplaced or destroyed, the registrant shall file an affidavit to that effect and the director shall issue a replacement certificate, clearly identified as such on the certificate

and in the records of the director.

Section 6. The director shall keep on file in convenient form and open to public inspection, all applications for registration and copies of certificates of registration issued and shall annually publish a list of names and addresses of all motor vehicle repair shops registered by him, and the names of all persons whose registration has been revoked, suspended or surrendered during the period and the specific time for which such suspension, revocation or surrender became effective.

Section 7. Every registered motor vehicle repair shop shall publicly display in its place of business its current certificate of registration. No unregistered motor vehicle repair shop shall display in its place of business any certificate of registration or copy or facsimile of a certificate of registration, nor shall it in any manner state that it is, or hold itself out to be, a registered motor vehicle repair shop.

No unregistered motor vehicle repair shop shall undertake any repair of a motor vehicle without first giving notice to the owner of the motor vehicle, in writing, that it is an unregistered motor vehicle repair shop, that any repairs which it performs cannot be paid for by any motor vehicle insurer in the commonwealth, and that the owner of the vehicle can remove the vehicle from the premises of the unregistered motor vehicle repair shop within six business days after actual receipt of such notice without payment of any storage, repair or other charges to the unregistered motor vehicle repair shop. Any unregistered motor vehicle repair shop which fails to give such notice, timely and in writing, 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 any repair of the motor vehicle, notwithstanding the provisions of section twenty-five of chapter two hundred and fifty-five, nor shall it have any right claim or cause of action to collect any such charges from any person, whether in contract or quantum meriut or otherwise, notwithstanding any other law to the contrary.

Section 8. No registered motor vehicle repair shop or other person shall: (a) advertise for motor vehicle repair in the commonwealth without including either the number of its certificate of registration issued by the director or the words "unregistered repair shop", as a part of the advertisement; (b) with respect to any repair paid for in whole or in part by an insurer, fail to charge all or any part of the applicable deductible to be paid by the insured, or give any rebate, gift, prize, premium, bonus, fee or any other monetary or tangible thing to the insured or any other person not in the employ of the repair shop as an inducement to have the repair made at the repair shop; (c) charge or offer to charge a higher rate or discount for an insured repair than for an uninsured repair; (d) make any false or fraudulent statement in connection with any repair or attempt to collect for a repair; (e) without lawful authority, prevent the owner of a motor vehicle from recovering the same.

Section 9. (a) Every registered or unregistered motor vehicle repair shop shall keep, or cause to be kept, in a book a proper record of every motor vehicle which enters and which leaves his place of business. A

proper record shall include, but not be limited to, a description of the motor vehicle, the vehicle identification number, the date received, the name and residences of the person from and for whom the vehicle was received and a signed authorization for the work to be performed on said vehicle. Records shall also be kept of purchases of all major component parts, motor transmission, any body parts and parts for the interior. Records must be kept of all purchases made during at least the preceding eighteen months.

(b) Any registered shop whose business consists primarily of the changing and replacing of the fluids of a motor vehicle shall be exempt from keeping the record book referred to above, if and so long as the registered shop keeps adequate records of the repairs and services performed with respect to the motor vehicles which come into its custody.

(c) Said record book shall be kept in a convenient place, and along with the premises of the repair shop or body shop, may be inspected at any time by any city, state or federal law enforcement officer.

Section 10. Any person violating any of the provisions of this chapter may be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both. Such fine may be imposed by the director, after hearing, or in a civil or criminal action brought by the attorney general. Violation of any of the provisions of this chapter shall constitute a violation of chapter ninety-three A.

SECTION 33. The first paragraph of section 113B of chapter 175 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 1 and 2, the word "September" and inserting in place thereof the word:- December.

SECTION 34. Said first paragraph of said section 113B of said chapter 175, as so appearing, is hereby further amended by inserting after the fourth sentence the following sentence:- The commissioner shall direct the plan created under section one hundred and thirteen H to establish procedures for the implementation, monitoring and enforcement of programs to control costs and expenses identified by the commissioner in accordance with this paragraph, and shall report to the commissioner annually on the effectiveness of and the implementation by the various companies of the programs to control costs and expenses identified by the commissioner.

SECTION 35. Said section 113B of said chapter 175, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

In setting the claims frequency and cost trend and projection factors used to fix and establish classifications of risks and premium charges, the commissioner shall explicitly consider recent actual Massachusetts claims frequency, cost trend and loss data, and shall make express findings as to the claims frequency and cost trend and projection factors

which such data would indicate for the respective coverages. He shall also consider such other evidence, argument and considerations as he finds credible and relevant. He shall justify the claims frequency and cost trend and projection factors which he uses with specific findings of fact and conclusions of law regarding all disputed material issues, and if the claims frequency, cost trend and projection factors which he uses materially deviate from the claims frequency, cost trend and projection factors derived from such recent Massachusetts data, he shall explicitly set forth the reasons therefor by making specific findings of fact and rulings, which shall justify such deviation and which shall be based on substantial evidence. For the purpose of evaluating any methodology proposed by a party to the rate hearing to be used for trending or projecting claims frequency or costs in setting the premium charges for the rate year in issue, if the commissioner makes specific findings that the same methodology was used in fixing and establishing premium charges in prior years in Massachusetts, a party may introduce into evidence the actual results caused by the use of that methodology in prior years.

SECTION 36. Said section 113B of said chapter 175, as so appearing, is hereby further amended by striking out the sixth and seventh paragraphs and inserting in place thereof the following paragraphs:-

In fixing and establishing classifications of risks, the commissioner may provide for appropriate reductions in the premium charges for the relevant coverages if he finds that vehicles are less damageable due to safety features incorporated into such vehicles or that the occupants of vehicles are less likely to suffer bodily injury due to safety features including, but not limited to, occupant crash protection devices, incorporated into such vehicles or that any optional policy provision will result in savings through reduced costs.

In fixing and establishing classifications of risks for comprehensive fire and theft coverage so-called to motor vehicles, the commissioner shall provide for appropriate reductions in the premium charges covering such vehicles if such vehicle is equipped with an anti-theft mechanism or device approved by the commissioner; provided that the commissioner shall establish a specific reduction of a minimum of twenty-five per cent in said premium charges for vehicles equipped with both an anti-theft mechanism or device and an auto recovery system.

In fixing and establishing classifications of risks for personal injury protection, uninsured and underinsured motorist protection, and medical payments coverages so-called, the commissioner shall provide for appropriate reductions in premium charges covering vehicles equipped with one or more air bags or a passive restraint device approved by the commissioner.

SECTION 37. Said section 113B of said chapter 175, as so appearing, is hereby further amended by inserting after the eighth paragraph the following paragraph:-

Said plan shall also take into consideration convictions reported to the registry of motor vehicles as the result of any compact entered into by the secretary of public safety for the exchange of information between states.

SECTION 38. Said section 113B of said chapter 175, as so appearing, is hereby amended by striking out the ninth and tenth paragraphs and inserting in place thereof the following three paragraphs:-

The safe driver insurance plan shall provide for a series of driver classifications based upon driving record which shall reflect individual driving experience. The plan shall provide for upward premium adjustments for drivers who in the preceding five year period have accumulated three or more unsafe driver points based on one or more of the following surchargeable incidents: at-fault accidents, convictions of moving violations of motor vehicle laws, including payments pursuant to chapter ninety C and assignments to driver alcohol education programs under the provisions of section twenty-four D of chapter ninety, or any combination thereof, or four or more comprehensive claims totalling two thousand dollars or more unless fire, theft, comprehensive and collision coverages are not purchased by the insured. Pursuant to such plan the commissioner may place drivers who have accumulated fewer than three unsafe driver points, so-called, into classifications for which an upward premium adjustment is provided.

There shall be a downward premium adjustment called an excellent driver award. The adjustment shall apply to every driver with no surchargeable incidents within the five years immediately preceding the applicable rate year. There shall also be larger adjustments made for drivers with no surchargeable incidents over such longer period or periods as the commissioner shall determine, and there may be such smaller adjustments for drivers with no surchargeable incidents over such shorter period or periods as the commissioner shall determine. The commissioner shall establish both the number of classifications, the size of the premium adjustments and initial classification assignment; provided, however, that the plan shall be designed so that the decrease in aggregate premiums attributable to the downward adjustments within the plan equals the increase in aggregate premiums attributable to the upward adjustments in the plan. Insureds who have accumulated three or more unsafe driver points within the five years immediately preceding the applicable rate year shall be placed in classifications for which the upward premium adjustment is actuarially sound. Nothing in this section shall preclude the commissioner from also placing drivers who have accumulated fewer than three unsafe driver points, so-called, into classifications for which the upward premium adjustment is actuarially sound.

Upon receiving notification from said merit rating board that a driver has had five surchargeable incidents within the past three years, the registrar shall, after a hearing based solely on the accuracy of said merit rating board's records, require the said driver to participate in and com-

plete a driver education program satisfactory to the registrar. If such driver fails to provide to the registrar proof of completion of such driver education program within ninety days after the registrar mails to the driver notice of such requirement, the registrar shall suspend the driver's license or right to operate a motor vehicle until the registrar receives proof of completion of such driver education program.

SECTION 39. Clause (7) of subsection (A) of the third paragraph of section 113H of said chapter 175, as so appearing, is hereby amended by inserting after the word "coverage", in line 38, the words:- or the charging of rates at the discretion of the insurer,.

SECTION 40. Said clause (7) of said subsection (A) of said third paragraph of said section 113H of said chapter 175, as so appearing, is hereby further amended by striking out, in line 51, the word "or",- and by striking out, in line 56, the word "policy." and inserting in place thereof the following:- policy;

(v) comprehensive, fire and theft or collision coverage on a vehicle customarily driven, or owned by persons convicted one time within the most recent three year period of any category of driving while under the influence of alcohol or drugs;

(vi) comprehensive, fire and theft or collision coverage on any motor vehicle for which a salvage title has been issued by the registrar of motor vehicles unless a new certificate of title has been issued pursuant to section twenty D of chapter ninety D; or

(vii) comprehensive, fire and theft or collision coverage on a high-theft vehicle which does not have at least a minimum anti-theft or auto recovery device as prescribed by the commissioner of insurance. The commissioner may designate as a "high-theft vehicle" any vehicle, classified according to make, model and year of manufacture, which has both above-average incidence of theft and above-average original sales price, and may prescribe appropriate anti-theft or auto recovery devices for such vehicles.

SECTION 41. Subsection (C) of said section 113H of said chapter 175, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

The governing committee shall on or before March thirty-first, nineteen hundred and eighty-nine and thereafter not later than two years after such standards were most recently approved, prepare performance standards for the handling and payment of claims by the servicing carriers. Such standards shall be designed to ensure the speedy settlement of valid claims at the lowest reasonable cost and the denial of fraudulent or otherwise invalid claims. Such performance standards shall be submitted to the commissioner of insurance who, after a public hearing, shall approve or modify such performance standards. The plan shall collect and maintain data on compliance with the performance standards by servicing carriers. Such information shall be reported

annually to the commissioner of insurance and may be the basis for adjustments to premiums.

SECTION 42. Subsection (D) of said section 113H of said chapter 175, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The premium charges filed by or on behalf of the plan shall provide that such premium charges for all vehicles rated in accordance with the Massachusetts Private Passenger Automobile Insurance Manual and all other nonfleet private passenger vehicles shall not exceed the premium charges which would be used by each risk's servicing carrier for that risk if such risk were not insured in the plan. The premium charges filed by or on behalf of the plan may provide that such premium charges for any risk insured in the plan, other than vehicles rated in accordance with the Massachusetts Private Passenger Automobile Insurance Manual and all other nonfleet private passenger vehicles will exceed the premium charges that would be used by each risk's servicing carrier for that risk if such risk were not insured in the plan, provided, however, that such a filing shall go into effect only if approved by the commissioner and may be disapproved by the commissioner if he determines that it would produce rates or classifications that would be unfair or inconsistent with sound public policy.

SECTION 43. Subsection (E) of said section 113H of said chapter 175, as so appearing, is hereby amended by inserting after the seventh paragraph the following paragraph:-

In appointing a statistical agent, the commissioner shall require, in addition to all other duties and responsibilities, that the statistical agent oversee and conduct a closed claim study so-called. In addition to any other information that the commissioner may require, said study shall include the following: the number of claims filed in a particular year, the average property damage liability coverage claim for said year, the average collision claim for said year, the number of lawsuits filed in said year, the number and average dollar amount granted in court tried cases in said year, the number and average dollar amount agreed upon in out of court settlements in said year, the average payment arising out of property damage in an out of court settlement and through a judicial decision, the number of multiple claims filed under the same vehicle over a three year period, the number of claims closed in said year, the number of claims closed without payment in said year and overall motor vehicle accident severity and frequency. Said study shall also include a report of the profits and losses, generated as the result of writing a private passenger motor vehicle insurance in the commonwealth, of each property and casualty company writing said coverage in the commonwealth.

SECTION 44. Said section 113H of said chapter 175 is hereby amended by adding the following paragraph:-

The plan shall adopt performance standards for claims handling and anti-fraud efforts, including but not limited to programs to control costs and expenses as described in section one hundred and thirteen B, for risks insured or reinsured by the plan. All insurers issuing policies insured or reinsured by the plan shall comply with said performance standards. The plan shall develop pre- and post-payment screening systems designed to identify claims overpayments, possible fraudulent claims, and inefficient claims handling practices. The plan shall provide for periodic audits of all members of the plan as required by the commissioner. The audit shall include policies not insured or reinsured by the plan in order to determine whether there is a difference in claims handling between policies insured voluntarily and those insured or reinsured by the plan. Noncompliance with said performance standards and audit requirements shall constitute a violation of the provisions of this chapter. The plan shall propose and the commissioner shall establish rules concerning the submission of data by insurers. Such rules shall include penalties for the late submission of data, the submission of faulty data, and the failure of insurers to comply with the express terms of audit requests. In addition, the plan shall provide for appropriate adjustments in the allocation of premiums, losses and expenses among companies for companies which do not meet such performance standards or which do not comply with said audit requirements. Such adjustments shall reflect excessive claims payments which result from said noncompliance.

SECTION 45. Section 113B of said chapter 175, as so appearing, is hereby further amended by inserting after the eleventh paragraph the following paragraph:-

In fixing and establishing classifications of risks, the commissioner shall establish a separate rate for coverage provided in paragraph (2) of section one hundred and thirteen L.

SECTION 46. Section 113L of said chapter 175 is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following two paragraphs:-

(1) No policy shall be issued or delivered in the commonwealth with respect to a motor vehicle, trailer or semitrailer registered in this state unless such policy provides coverage in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, under provisions approved by the insurance commissioner, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles, trailers or semitrailers and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom; and, subject to the terms and conditions of such coverage, such coverage shall include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency.

(2) For the purpose of said coverage, if the policyholder or obligor

elects to purchase the coverage described in this paragraph, the term "uninsured motor vehicle" shall also include protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of insured motor vehicles, trailers or semitrailers, to which a bodily injury liability bond or policy applies at the time of the accident and its bodily injury liability bond amount or policy limit is less than the policy limit for uninsured motor vehicle coverage and is insufficient to satisfy the damages of persons insured thereunder and only to the extent that the uninsured motor vehicle coverage limits exceed said limits of bodily injury liability subject to the terms of the policy. The policyholder or obligor shall be notified that he may elect to purchase the said coverage, and such notification shall be at such times and in a manner prescribed by the commissioner of insurance.

SECTION 47. Said section 113L of said chapter 175, as so appearing, is hereby further amended by adding the following paragraph:-

(5) Uninsured motorists coverage shall provide that regardless of the number of vehicles involved, whether insured or not, persons covered, claims made, premiums paid or the number of premiums shown on the policy, in no event shall the limit of liability for two or more vehicles or two or more policies be added together combined or stacked to determine the limits of insurance coverage available to injured persons. An insured who is not a named insured on any policy providing uninsured motorist coverage may recover only from the policy of a resident relative providing the highest limits of such coverage whether or not such vehicle was involved in the accident; provided, however, if there are two or more such policies which provide such coverage at the same limits a pro rata contribution will be made. Any injured occupants who are not named insureds on a policy and who are not insured on a resident relative's policy may obtain uninsured motorist coverage from the named insured's policy covering the vehicle they occupy when injured. A person who is a named insured and who suffers bodily injury or death:

(a) while occupying a nonowned motor vehicle registered for highway use may recover only from the policy providing the highest limits of uninsured motorist coverage on which such person is the named insured, provided, however, if there are two or more such policies which provide such coverage at the same limits a pro rata contribution will be made;

(b) while occupying an owned motor vehicle registered for highway use and which had in effect the coverage required by this section shall recover uninsured motorist coverage only from the policy covering such occupied vehicle, provided, however, if there are two or more such policies, a pro rata contribution will be made. An insured who suffers bodily injury or death while occupying a motor vehicle owned by that insured which is registered for highway use and does not have in effect the coverage required by section thirty-four A of chapter ninety may not recover uninsured motorist coverage from any policy. No uninsured motorist coverage shall apply from any policy if a named insured suffers bodily injury or death while occupying an owned motor vehicle registered

for highway use being used at the time as a public or livery conveyance and which is not insured for uninsured motorist coverage.

SECTION 48. Section 113 O of said chapter 175, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Insurers shall also make available additional coverage whereby the deductible of five hundred dollars is reduced to three hundred dollars, except that an insurer may refuse to issue such optional additional coverage on the basis of claims paid, provided that no insurer may refuse to issue such optional additional coverage because of age, sex, race, occupation or principal place of garaging of the vehicle.

SECTION 49. Said section 113 O of said chapter 175, as so appearing, is hereby further amended by inserting after the second sentence the following sentence:- The charge for said additional coverage shall not exceed the actuarial cost of reducing the deductible from five hundred dollars to three hundred dollars.

SECTION 50. The first paragraph of said section 113 O of said chapter 175, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Notwithstanding the foregoing, insurers shall also make available, at the option of the policyholder, a one hundred dollar deductible applicable to damage to glass of any motor vehicle covered under the comprehensive coverage.

SECTION 51. Said section 113 O of said chapter 175, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following three paragraphs:-

No insurer shall make any payments to the insured under a policy providing fire and theft coverage or comprehensive coverage, so called, unless it has received a claim form from the insured stating that the repair work described in an appraisal made pursuant to regulations promulgated by the auto damage appraiser licensing board has been completed, except for payments made in accordance with a plan filed and approved pursuant to the following paragraph. In any case, where the insurer fails to make payment within seven days of receipt of the above claim form, the insured may commence a civil action for payments claimed to be due. If the court determines that the insurer was unreasonable in refusing to pay said insured's claim, the claimant shall be entitled to recover double the amount of damage plus costs and reasonable attorneys' fees fixed by the court. If such claim form is not received by the insurer, the insurer shall pay to the insured only the decrease in actual value of the insured vehicle less any deductible. If the insured elects not to repair the vehicle, or if the insurer does not receive a claim form from the insured stating that the repair work has been completed, the insurer shall decrease the actual cash value of the insured vehicle by the amount of damage sustained.

Notwithstanding the second paragraph or any other general or special law to the contrary, an insurer may file a plan for approval by the commissioner providing for direct payment by the insurer to the insured for the loss of or damage to the insured motor vehicle under fire and theft coverage or comprehensive coverage, so called, prior to receipt by the insurer of a claim form from the insured stating that the repair work described in an appraisal made pursuant to regulations promulgated by the auto damage appraisers licensing board has been completed. Such plan shall not be approved unless it: (a) provides for a procedure acceptable to the commissioner to resolve any dispute between the insured and the insurer as to the adequacy of the payment; (b) provides for adequate disclosure to the insured of his or her rights hereunder; and (c) contains such other terms and conditions as the commissioner shall prescribe. The commissioner may revoke approval for such a plan if he determines that the insurer is not complying with its terms or that the plan does not carry out the purposes of this section. If an insured under fire and theft coverage or comprehensive coverage, so called, elects not to repair an insured vehicle for which a claim payment has been made under one of said coverage or if the insurer does not receive a claim form from the insured certifying that the repair work has been done in accordance with an appraisal made pursuant to regulations promulgated by the auto damage appraisers licensing board, then the insurer and any successor insurer shall decrease the actual cash value of the insured vehicle by the amount of the claim payment plus any applicable deductible until such time as the insurer or any successor insurer receives a claim form with the certification described above; provided, however, that for at least seventy-five per cent of those claims where the appraisal indicates that the cost of repairs will exceed four thousand dollars and at least twenty-five per cent of those claims where the appraisal indicates that the cost of repairs will be four thousand dollars or less, a licensed auto damage appraiser shall reinspect the vehicle following completion of repairs and shall certify on the claim form that the work has been completed in accordance with an appraisal made pursuant to said regulations. The commissioner shall hold a hearing prior to approval of any such plan or plans. The commissioner may promulgate such rules and regulations as he deems necessary for the implementation of this paragraph.

The commissioner may require any plan filed pursuant to the preceding paragraph to provide (a) that the insured will be given a list of at least five repair shops, geographically convenient for the insured, from which the insured may at his or her option select a shop which will without undue delay complete the repair work for the amount of the payment to the insured, plus any applicable deductible, that the insurer will guarantee the quality of the materials and workmanship used in making repairs if the repairs are performed at one of the repair shops so listed.

(b) that in no event shall the selection of vehicles for reinspection be based on the age or sex of the policyholder or of the customary operators of the vehicle, or on the principal place of garaging the vehicle; and

(c) that no insurer or appraiser shall require that repairs to any motor vehicle be made at any specific repair shop, or list of repair shops; and

(d) that in determining which repair shops will be listed as described above, the insurer shall consider only the quality and cost of repairs at a particular shop, the quality of the service given the customer, the responsiveness of the shop to customers' needs, the ability of the shop to perform repairs without undue delay, the geographic convenience of the shop for the insured, cooperation of the shop with pre- and post-repair inspections, and the shop's compliance with applicable laws and regulations. A repair shop shall be included on the list prepared by the insurer if the shop agrees in writing to comply in full with the plan filed by the insurer and approved by the commissioner. An insurer may strike a shop from the list provided it files a statement with the commissioner specifying the nature of the shop's failure to comply with the plan. Such plan shall include a fair and adequate procedure for relief for repair shops improperly stricken from such list; and

(e) no employee or agent of an insurer with responsibility for creating, managing or maintaining a list of repair shops as described above shall receive or ask for any payment, gift or other thing of value from any repair shop included, or seeking to be included, in the said list of repair shops, and no repair shop, or employee or owner thereof, shall give, pay or offer to give or pay any money or thing of value to any employee or agent of an insurer with responsibility for creating, managing or maintaining a list of repair shops. No repair shop, or employee, owner or agent thereof, shall give or pay, or offer to give or pay, any thing of value to any person in exchange for being included, or as an inducement to be included, on such a list of repair shops. For purposes of this paragraph, the words "employee", "owner" and "agent" shall also include any spouse or child of an employee, owner or agent. Violation of the provision of this paragraph may be grounds for revocation or suspension of any certificate of registration or license held pursuant to chapter one hundred A or this chapter.

SECTION 52. The third paragraph of said section 113 O of said chapter 175, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Insurers shall report the theft or misappropriation of a motor vehicle, including the vehicle identification number and such other information as may be required, to a central organization engaged in motor vehicle loss prevention, as designated by the commissioner, and the National Automobile Theft Bureau or its successor organization, in accordance with the regulations promulgated by the commissioner.

SECTION 53. Said chapter 175 is hereby further amended by inserting after section 113R the following two sections:-

Section 113S. (a) For purposes of this section, "existing customer" shall mean an applicant for a motor vehicle liability policy who has been insured for three years or longer without interruption under a motor

vehicle liability policy or policies issued by the insurer to which the applicant's application is submitted.

(b) A motor vehicle liability policy shall not provide fire and theft coverage or comprehensive coverage, so-called, or collision or limited collision coverage for a private passenger motor vehicle prior to an inspection of that motor vehicle by the insurer, unless:

(1) the motor vehicle is new;

(2) the applicant for such coverage is an existing customer of the insurer;

(3) the motor vehicle is already insured for such coverages with the insurer by the applicant; or

(4) as provided in paragraph (2) of subsection (c).

(c) The commissioner shall promulgate regulations which shall:

(1) provide that insurers shall offer inspection at locations and at times reasonably, convenient to the insured. Where an inspection is required pursuant to this section, it shall be conducted by the insurer or its authorized representative and shall be recorded on a form prescribed by the commissioner. Such form shall be retained by the insurer with its policy records for the insured and a copy of such form shall be made available to the insured upon request.

(2) provide that the inspections required in this section shall be waived under circumstances specified in the regulation. Such circumstances may include, but are not limited to:

(i) When requiring an inspection would cause a serious hardship to the insurer, the insured or an applicant for insurance;

(ii) When the insurer has no inspection facility or authorized representative either in the city or town in which the motor vehicle is principally garaged or within five miles of the said city or town.

(3) provide that such inspections shall include at least the following:

(i) taking a physical imprint of the vehicle identification number of the vehicle or otherwise record the vehicle identification number in a manner satisfactory to the commissioner;

(ii) taking two color photographs of the car at angles which show the front, back and side of the vehicle;

(iii) recording the presence of such accessories as the commissioner shall designate; and

(iv) recording the location of and a description of existing damage to the vehicle.

(d) A motor vehicle liability policy shall not provide fire and theft coverage or comprehensive coverage, so-called, or collision or limited collision coverage for any motor vehicle for which a salvage certificate has been issued by the registrar of motor vehicles, unless a new certificate of title has been issued pursuant to section twenty D of chapter ninety D. Notwithstanding the foregoing, any insurer, authorized to issue motor vehicle liability policies may, but shall not be compelled to, issue a special policy or endorsement providing fire and theft coverage and/or comprehensive coverage, so-called, or collision or limited collision coverage for any motor vehicle having a salvage title, on

such terms and conditions and subject to such inspections as the insurer shall require.

Section 113T. Notwithstanding the provisions of section eight G of chapter twenty-six, a motor vehicle liability policy may, upon approval by the commissioner and by endorsement prescribed by the commissioner, include coverage, at the insured's option, pursuant to which the insurer will repair damage to insured motor vehicles, in accordance with collision or limited collision coverage provided under section thirty-four O of chapter ninety or comprehensive coverage provided under sections one hundred and thirteen C and one hundred and thirteen O of this chapter, at participating repair shops. One or more registered automobile damage repair shops may contract with an insurer or insurers as a participating repair shop to repair damage to insured motor vehicles covered under a participating repair shop endorsement. An insurance company offering a participating repair shop endorsement shall provide an appropriate reduction in the premium charges for such coverages, which shall be subject to approval by the commissioner, and such company shall provide any information in support of its reduction as may be required by the commissioner. The commissioner shall have authority to promulgate such rules and regulations as he deems necessary for the implementation of this section. Such rules and regulations may include, but need not be limited to, procedures for approval of such coverages, and standards to ensure that the endorsement will be offered in a nondiscriminatory manner, that the service will be convenient to insureds, and that the repairs will be of comparable quality to those made by non-participating repair shops. Nothing in this section shall be deemed to compel an insurer to offer participating repair shop coverage.

The commissioner shall file said plan as well as such rules as he deems necessary for implementation of the plan with the clerk of the house of representatives on or before September first, nineteen hundred and eighty-nine. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the joint committee on insurance within thirty days of such referral, said committee may hold a public hearing on the regulations and shall issue a report to the commissioner. Said commissioner shall review said report and shall adopt final regulations as deemed appropriate in view of said report and said regulations shall take effect as of the first of January, nineteen hundred and ninety.

SECTION 54. Chapter 175E of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11A. Insurance companies or their agents shall disclose in simple language to every person they insure or solicit for insurance that person's coverage options, including the option to exclude oneself and members of one's household from personal injury protection coverage, so-called. The commissioner shall prescribe the form, content, and timing of said disclosures.

SECTION 55. Section 6D of chapter 231 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 10, the words "five hundred" and inserting in place thereof the words:- two thousand.

SECTION 56. Section 27A of chapter 266 of the General Laws, as so appearing, is hereby amended by inserting after the word "year", in line 6, the words:- or by a fine of not more than fifteen thousand dollars, or by both such fine and imprisonment.

SECTION 57. Said section 27A of said chapter 266, as so appearing, is hereby further amended by striking out the second, third, fourth, fifth and sixth paragraphs and inserting in place thereof the following three paragraphs:-

The court shall, after conviction, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime. A person found guilty of violating this section shall, in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the insurer for any financial loss sustained as a result of the commission of the crime; provided, however, that restitution shall not be ordered to a party whom the court determines to be aggrieved without that party's consent. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof; provided, however, the court shall consider the defendant's present and future ability to pay in its determinations regarding a find; provided, further, that, whenever possible subject to the constraints of this paragraph and the preceding paragraph, the amount of a fine imposed for a violation of this section shall equal twice the amount of damages or financial loss suffered as a result of the defendant's crime.

In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. Upon a real or impending change in financial circumstances, a defendant ordered to pay restitution may petition the court for a modification of the amount, time or method of payment of restitution. If the court finds that because of any such change the payment of restitution will impose an undue financial hardship on the defendant or his family, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court shall hold him in contempt unless said defendant has made a good faith effort to pay such restitution. If said defendant has made a good faith effort to pay such restitution, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

SECTION 58. Subdivision (a) of section 28 of said chapter 266, as so

appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Whoever steals a motor vehicle or trailer, whoever maliciously damages a motor vehicle or trailer, whoever buys, receives, possesses, conceals, or obtains control of a motor vehicle or trailer, knowing or having reason to know the same to have been stolen, or whoever takes a motor vehicle without the authority of the owner and steals from it any of its parts or accessories, shall be punished by imprisonment in the state prison for not more than fifteen years or by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than fifteen thousand dollars, or by both such fine and imprisonment.

SECTION 59. Section 29 of said chapter 266, as so appearing, is hereby amended by striking out the third, fourth, fifth, sixth and seventh paragraphs and inserting in place thereof the following three paragraphs:-

The court shall, after a defendant is convicted of a violation of subsection (a) of section twenty-eight, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime. A person found guilty of violating subsection (a) of section twenty-eight shall in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the insurer for any financial loss sustained as a result of the commission of the crime; provided, however, that restitution shall not be ordered to a party whom the court determines to be aggrieved without that party's consent. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof; provided, however, the court shall consider the defendant's present and future ability to pay in its determinations regarding a fine; provided, further, that, whenever possible subject to the constraints of this paragraph and the first paragraph of said subsection (a) of section twenty-eight, the amount of a fine imposed for a violation of said subsection (a) of section twenty-eight shall equal twice the amount of damages or financial loss suffered as a result of the defendant's crime.

In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. Upon a real or impending change in financial circumstances, a defendant ordered to pay restitution may petition the court for a modification of the amount, time or method of payment of restitution. If the court finds that because of any such change the payment of restitution will impose an undue financial hardship on the defendant or his family, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court shall hold him in contempt unless said defendant has made a good faith effort to pay such restitution. If said defendant has made a good faith effort to pay such

restitution, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

SECTION 60. Said chapter 266 is hereby further amended by striking out section 111B, as so appearing, and inserting in place thereof the following section:-

Section 111B. Whoever, in connection with or in support of any application for or claim under any motor vehicle, theft or comprehensive insurance policy issued by an insurer, and with intent to injure, defraud or deceive such insurer knowingly presents to it, or aids or abets in or procures the presentation to it of, any notice, statement, or proof of loss, whether or not the same is under oath or is required or authorized by law or the terms of such policy, knowing that such notice, statement or proof of loss contains any false or fraudulent statement or representation of any fact or thing material to such application or claim, shall be punished by imprisonment in a jail or house of correction for not less than six months nor more than two and one-half years or by a fine of not less than one thousand nor more than four thousand dollars, or both.

A person licensed as a motor vehicle damage appraiser pursuant to section eight G of chapter twenty-six or registered as a motor vehicle repair shop pursuant to chapter one hundred A who violates this section, by fraudulently inflating an appraisal of damage to a motor vehicle or the charges for repairing a damaged motor vehicle or otherwise, shall be punished by the additional penalty of revocation of such license or registration for a period not to exceed two years.

The court shall, after conviction, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime. A person found guilty of violating this section shall, in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the insurer for any financial loss sustained as a result of the commission of the crime; provided, however, that restitution shall not be ordered to a party whom the court determines to be aggrieved without that party's consent. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof; provided, however, the court shall consider the defendant's present and future ability to pay in its determinations regarding a fine; provided, further, that, whenever possible subject to the constraints of this paragraph and the first paragraph of this section, the amount of a fine imposed for a violation of this section shall equal twice the amount of damages or financial loss suffered as a result of the defendant's crime.

In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. Upon a real or impending change in financial circumstances, a defendant ordered to pay restitution may petition the court for a modification of the amount, time or method of payment of restitution. If the court finds that because of any such change the payment of restitution will impose an undue financial hardship

on the defendant or his family, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court shall hold him in contempt unless said defendant has made a good faith effort to pay such restitution. If said defendant has made a good faith effort to pay such restitution, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

SECTION 61. Section 2 of chapter 280 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Fines imposed under the provisions of chapters eighty-nine and ninety, including fines, penalties and assessments imposed under the provisions of chapter ninety C for the violation of the provisions of chapters eighty-nine and ninety, fines assessed by a hearing officer of a city or town as defined in sections twenty A and twenty A 1/2 of chapter ninety and forfeitures imposed under the provisions of section one hundred and forty-one of chapter one hundred and forty, shall be paid over to the treasury of the city or town wherein the offense was committed; provided, however, that only fifty per cent of the amount of fines, penalties and assessments collected for violations of section seventeen of chapter ninety or of a special speed regulation lawfully made under the authority of section eighteen of said chapter ninety shall be paid over to the treasury of the city or town wherein the offense was committed and the remaining fifty per cent shall be paid over to the state treasurer and credited to the Highway Fund.

SECTION 62. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles shall establish a one year priority, special strike force in the registry to work with local communities to remove uninsured vehicles from Massachusetts roads for the purpose of implementing chapter eight hundred and six of the acts of nineteen hundred and eighty-five. The strike force shall be required to report the results in numbers of the implementation of chapter eight hundred and six to the clerk of the house of representatives who shall forward the same to the joint committee on insurance and to the house and senate ways and means committees on or before January first, nineteen hundred and ninety and quarterly reports thereafter. Said strike force shall take effect no later than July first, nineteen hundred and eighty-nine.

In addition to any other duties, the strike force shall assist municipalities in implementing the statute on the local level and provide whatever information and assistance necessary thereto.

SECTION 63. The secretary of public safety is hereby authorized to

expend an amount not to exceed twenty-five thousand dollars of revenues collected from the auto etching program, so called, for purposes of continuing the auto etching program; provided, that a minimum fee of ten dollars shall be charged per automobile for services rendered.

SECTION 64. The secretary of consumer affairs and business regulation shall establish a Massachusetts automobile insurance public education program, which shall have as its goals the development of increased awareness by Massachusetts consumers of their options, rights and obligations under our automobile insurance system; the promotion of consumer behavior which will result in cost savings in automobile insurance; the provision of information to consumers, insurers and insurance producers, automobile body and glass repair shops, attorneys, the judiciary, law enforcement agencies and other groups, to foster increased understanding of automobile insurance facts and issues and to reduce unnecessary or invalid claims and costs. Such program shall include production and distribution of pamphlets, in understandable language, explaining consumer options, rights and obligations under the automobile insurance system, and it may include use of the media or direct mailing, as appropriate, to provide education and information to the public or to various groups, cooperation with existing educational activities to develop educational programs in common, development of educational presentations, videos, public service announcements and programs, or such other public education activities as the secretary shall determine.

The secretary of consumer affairs and business regulation is hereby authorized to make an assessment against the plan organized pursuant to section one hundred and thirteen H of chapter one hundred and seventy-five of the General Laws to pay for the expenses of the Massachusetts automobile insurance public education program. Said assessment shall be made at a rate sufficient to produce one hundred thousand dollars in each of fiscal years nineteen hundred and eighty-nine and nineteen hundred and ninety; provided, however, that if the secretary of consumer affairs and business regulation shall fail to expend for the costs and expenses of the Massachusetts automobile insurance public education program in fiscal year nineteen hundred and eighty-nine the total amount of one hundred thousand dollars for the purposes set forth in this section, the amount unexpended in such fiscal year shall be credited against the assessment to be made in the following year, and the assessment in the following year shall be reduced by such unexpended amount. Assessments under this section may be credited to the normal operating costs of the said plan. The funds produced by said assessments shall be expended by the secretary of consumer affairs and business regulation, in addition to any other funds which may be appropriated, to assist in defraying the general operating expenses of the Massachusetts automobile insurance public education program, and may be used to compensate consultants retained by the program. The assessments shall be collected by the secretary of consumer affairs and business

regulation, and the said plan shall pay the amount assessed against it within thirty days after the date of the notice of assessment from the secretary.

SECTION 65. The commissioner of insurance is hereby directed to undertake a study, in consultation with representatives of the property and casualty industry and of the independent insurance agents, of the feasibility and of the financial and administrative impact of permitting insurance companies to offer, as a coverage option, a deductible on the existing optional bodily injury to others coverage. Said commissioner shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation to the clerk of the house of representatives who shall forward the same to the joint committee on insurance and the house and senate committees on ways and means by the first of July, nineteen hundred and eighty-nine.

SECTION 66. Notwithstanding the provisions of section one hundred and thirteen H of chapter one hundred and seventy-five of the General Laws, the commissioner of insurance, in consultation with the governing committee of the current plan, representatives of property and casualty insurance companies undertaking to issue motor vehicle liability policies or bonds as defined in section thirty-four A of chapter ninety of the General Laws, representatives from associations of insurance producers and other parties he may request, shall develop for implementation a revision of the plan established pursuant to section one hundred and thirteen H of chapter one hundred and seventy-five of the General Laws which shall provide motor vehicle liability insurance to applicants who have been unable to obtain insurance through the method by which insurance is voluntarily made available. Such revision shall provide for the fair and equitable apportionment among such insurance companies of the losses, risks, premiums and expenses associated with providing coverage to such applicants. Such revision shall have the effect of decreasing the number of ceded policies and enhancing cost containment by participating companies.

Such revision may include but need not be limited to: criteria regulating the conditions under which policies may be ceded; specific limitations upon the percentage of a company's insureds which may be ceded; specific limitations upon the percentage of any individual risk which may be reinsured through the plan; provisions for the removal of policies from the plan based upon excellent driving records; cession penalties or charges, to reflect the cost of the plan's cost containment and anti-fraud programs; the administration and finance of the plan; a provision which allows the commissioner to require the participation of all companies as servicing carriers; and such other terms and conditions as the commissioner may prescribe.

The commissioner shall file said plan as well as such rules as he deems necessary for implementation of the plan with the clerk of the house of representatives, on or before September first, nineteen hundred and

eighty-nine. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives shall refer such regulations to the joint committee on insurance. Within thirty days of such referral, said committee may hold a public hearing on the regulations and shall issue a report to the commissioner. Said commissioner shall review said report and shall adopt final regulations as deemed appropriate in view of said report and said regulations shall take effect as of the first of January, nineteen hundred and ninety.

SECTION 67. That a special commission to consist of three senators, five members of the house of representatives, the commissioner of public safety or his designee, the registrar of motor vehicles or his designee, and three persons to be appointed by the governor, one of whom shall be a driver school owner, and one of whom shall be a driver school instructor, shall be established for the purpose of examining, but not be limited to, driver education training.

Said commission shall make recommendations to the registry and any other appropriate entity for the purpose of rewriting the rules and regulations of all driver education programs; including in-class and behind-the-wheel training, and for establishing within the registry of motor vehicles a driver school instructor training program.

Said commission shall make recommendations to the registry or any other appropriate entity for the annual conduction of on-site inspections of all driver education schools for re-certification purposes.

Said commission shall make its reports, recommendations, and findings to the clerk of the house of representatives who shall forward the same to the joint legislative committee on insurance and the joint legislative committee on public safety on or before March first, nineteen hundred and eighty-nine.

SECTION 68. The commissioner of insurance is hereby directed to undertake a study of the direct pay and referral systems instituted by sections twenty-four and fifty-one of this act. In particular the commissioner shall examine the implementation of the direct pay and referral systems and their financial impact on consumers, on body shop owners, and on the system as a whole, including cost savings attributable thereto in the rate making process. Said commissioner shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation to the clerk of the house of representatives who shall forward the same to the joint committee on insurance and the house and senate committees on ways and means by the first of January, nineteen hundred and ninety-two.

SECTION 69. There is hereby established a special commission to make an investigation and study of the rules, regulations, plans of operation and laws relating to the system of automobile insurance in the commonwealth. The commission shall be chaired jointly by the house and

senate chairs of the joint committee on insurance, and shall consist of three additional members of the house, to be appointed by the speaker of the house, three additional members of the senate, to be appointed by the president of the senate, the secretary of consumer affairs or his designee, the commissioner of insurance or his designee, the attorney general or his designee, and six members to be appointed by the governor, one of whom shall be a member of the property and casualty insurance industry, one of whom shall be a representative of the insurance agents, one of whom shall be a representative of the autobody industry, one of whom shall be a practicing attorney with expertise in the area of automobile liability insurance, and two of whom shall be representatives of automobile insurance consumers.

The commission shall consider generally the fairness, efficiency, and workability of the present system of automobile insurance in the commonwealth, and shall explicitly consider, among others that it deems relevant, the following issues:

– The feasibility of deregulating private passenger motor vehicles rates and establishing in its place a system of partially or fully competitive rates;

– The feasibility and potential effects on rate levels of a plan to establish a system of flex rating, so-called;

– The accuracy and efficiency of the existing rate making process, and what procedural improvements could be undertaken to improve the accuracy and fairness of said process;

– The differences in average cost of repair for different makes and models of automobiles, and whether differences in average cost of repair for different makes and models could be incorporated into the rate making process with respect to collision and comprehensive coverages;

– The differences in average cost of repair resulting from (1) variations in labor rates, labor times, parts prices, discounts on parts prices, and storage and towing costs; and (2) the use of rebuilt parts, used parts, and so-called non-OEM parts;

– The causes of auto theft claim frequency and of auto collision claim frequency, and what measures could be taken to reduce the incidence of such claim frequencies;

– The accuracy and fairness of the existing territorial system, and in particular, how territorial boundaries are drawn, how weights are assigned to each territory, whether different boundaries and classifications could more accurately reflect the driving experience within each territory, and the potential implementation and impact of a territorial system within which the premium charges established in each territory would be actuarially sound;

– The feasibility and legality of prohibiting retroactive premiums or of rescinding retroactive premiums after they have been authorized by the commissioner of insurance; and,

– The effectiveness of cost containment incentives in both the voluntary and involuntary market, so called, and what measures could be undertaken to improve cost containment in both markets.

The commission shall file the results of its investigation and study, along with drafts of legislation, if any, and a plan for the implementation of any recommendations, with the clerk of the house, the clerk of the senate, and the joint committee on insurance no later than the fifteenth of October, nineteen hundred and eighty-nine.

SECTION 70. With respect to private passenger motor vehicle insurance policies issued or renewed in nineteen hundred and eighty-nine, insurers shall provide every purchaser of such policies with a notice of the changes in the law governing underinsured and uninsured motorist coverages pursuant to section forty-six hereof. The form and content of such notice shall be prescribed by the commissioner, provided that, without limitation, such notice shall specifically inform the purchaser that unless the purchaser affirmatively elects underinsured coverage as provided for in paragraph (2) of section one hundred and thirteen L of chapter one hundred and seventy-five of the General Laws, as amended by section forty-six hereof, his policy will not provide it. For holders or obligors of policies issued or renewed in nineteen hundred and eighty-eight who renew those policies in nineteen hundred and eighty-nine, notwithstanding the provisions of section forty-six hereof, uninsured coverage under the nineteen hundred and eighty-nine policy will continue to include underinsured coverage in the same policy limit as the policyholder or obligor had at the end of the policy, but subject to all other provisions of said paragraph (2) as amended, until two weeks after the mailing of the notice prescribed herein to the policyholder or obligor, unless at some earlier time the policyholder or obligor selects other limits or elects not to purchase such coverage; provided, that this sentence shall not apply: (1) to any policy issued or renewed twenty-one days or more after the date such notice is mailed to the policyholder or obligor; (2) to any policy which is not a renewal of a nineteen hundred and eighty-eight policy; or (3) to any policy issued or renewed after April thirtieth, nineteen hundred and eighty-nine.

SECTION 71. The commissioner of insurance is directed to undertake a study, in consultation with representatives of the property casualty industry, the independent insurance agents and such other parties as he may request, of the coverage selection page, so-called, and shall, prior to January first, nineteen hundred and ninety, issue a revised standard coverage selection page which will provide automobile insurance consumers with clear disclosure of the coverages available and the coverages selected including but not limited to underinsurance and optional increased bodily injury limits.

SECTION 72. Each year after nineteen hundred and ninety, the commissioner of insurance shall prepare a report on the effectiveness and adequacy of the tort threshold, so called, provided in section six D of chapter two hundred and thirty-one of the General Laws, and of the personal injury protection benefit provided in section thirty-four A of

chapter ninety. Such report shall include, without limitation, a calculation of the affect of inflation on the tort threshold and personal injury protection benefit, the degree to which such threshold has or has not deterred or prevented minor motor vehicle personal injury claims from generating lawsuits, and whether such deterrence or prevention continues to be effective. The commissioner shall also include in said report his recommendations for any changes in or update of the laws applicable to the tort threshold and personal injury protection benefit. He shall file such report with the clerk of the house, the clerk of the senate, the joint committee on insurance and the house and senate committees on ways and means, no later than the first of September of each such year.

SECTION 73. Notwithstanding the provisions of any general or special law to the contrary, an amount not to exceed one million dollars of the fines collected pursuant to sections twenty-seven A, twenty-eight, twenty-nine and one hundred and eleven B of chapter two hundred and sixty-six of the General Laws shall be payable to the governor's auto theft strike force.

SECTION 74. Each year after nineteen hundred and ninety, the commissioner of insurance shall prepare a report on the effectiveness and adequacy of the tort threshold, so called, provided in section six D of chapter two hundred and thirty-one of the General Laws, and of the personal injury protection benefit provided in section thirty-four A of chapter ninety of the General Laws. Such report shall include, without limitation, a calculation of the affect of inflation on the tort threshold and personal injury protection benefit, the degree to which such threshold has or has not deterred or prevented minor motor vehicle personal injury claims from generating lawsuits, and whether such deterrence or prevention continues to be effective. The commissioner shall also include in said report his recommendations for any changes in or update of the laws applicable to the tort threshold and personal injury protection benefit. He shall file such report with the clerk of the house, who shall forward the same to the joint committee on insurance and the house and senate committees on ways and means, no later than the first of September of each such year.

SECTION 74A. Pursuant to the first year after the effective date of this act, on or before January first, nineteen hundred and ninety the statistical agent as defined in section forty-three shall undertake a closed claim study, so-called, for the three years immediately prior to the effective date of this act. In each succeeding year after the effective date of this act the statistical agent shall conduct a closed claim study for the year immediately prior.

SECTION 75. Sections eleven and thirteen of this act shall take effect on January first, nineteen hundred and ninety-one.

SECTION 76. Sections twelve and fourteen of this act shall take effect on January first, nineteen hundred and ninety-three.

SECTION 77. Except as otherwise specifically provided in this act, this act shall take effect on the first of January, nineteen hundred and eighty-nine.

The provisions of sections fifteen, sixteen, and forty-seven of this act shall be effective for policies or contracts issued or renewed on or after the first of January, nineteen hundred and eighty-nine.

The provisions of section fifty-five shall be effective for causes of action arising on or after the first of January, nineteen hundred and eighty-nine.

The provisions of section sixty-one shall be effective on the first of April, nineteen hundred and eighty-nine.

Approved November 5, 1988.

Chapter 274. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF LUDLOW.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Ludlow may appoint such special police officers for the town of Ludlow as they deem necessary for the safety and protection of the citizens of said town.

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 town 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 said board of selectmen. Said special police officers shall be sworn before the town clerk of the town of Ludlow 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 November 8, 1988.

Chapter 275. AN ACT RELATIVE TO CERTAIN RETIREMENT BENEFITS WHICH MAY BE PAID BY THE ATTLEBORO FIREFIGHTERS BENEFIT ASSOCIATION, INC.

Be it enacted, etc., as follows:

SECTION 1. The Attleboro Firefighters Benefit Association, Inc., a corporation duly established under the laws of the commonwealth, is hereby authorized to pay to any member, who meets the requirements of section four a of Article IV of the by-laws of said corporation upon retirement, a sum equal to the death benefit amount, at the time of such retirement provided such member waives in writing any claim to the death benefit as described in section one of Article VIII of the by-laws of said corporation. Such member shall thereupon cease to be entitled to receive any further such death or retirement benefit from said corporation.

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

Approved November 8, 1988.

Chapter 276. AN ACT RELATIVE TO LOCAL PROPERTY TAXATION AND APPROVAL OF TAX RATES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (f) of section 21C of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "town", in line 72, the words:- or upon which has been built one or more dwelling units with facilities designed and used for living, sleeping, cooking and eating on a non-transient basis.

SECTION 2. Section 21D of said chapter 59, as so appearing, is hereby amended by inserting after the word "which", in line 25, the words:- fails to report any increase in assessed valuation as described in paragraph (f) of section twenty-one C or which.

Approved November 8, 1988.

Chapter 277. AN ACT RELATIVE TO THE FILLING OF PRESCRIPTION DRUGS FOR ELDERLY AND VISUALLY IMPAIRED PERSONS.

Be it enacted, etc., as follows:

Section 21 of chapter 94C of the General Laws, as appearing in the

1986 Official Edition, is hereby amended by adding the following paragraph:-

Upon the request of an elderly person, as defined in section fourteen of chapter nineteen A or a person visually impaired, directions on the label affixed by the pharmacist to a container of a prescription drug shall be typed in a print size allowing no more than ten characters per inch.

Approved November 8, 1988.

Chapter 278. AN ACT RELATIVE TO VOLUNTEER FIREFIGHTERS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 177A, as appearing in the 1986 Official Edition, the following section:-

Section 177B. No employer shall discharge or take any other disciplinary action against any employee by reason of failure of such employee to report for work at the commencement of his regular working hours where such failure is due to his responding to an emergency in his capacity as a volunteer member of a fire department; provided, however, that no such employer shall be required to compensate any such employee for any period of his normal working hours during which for such reason he fails to report for work and at the request of an employer shall submit a statement signed by the chief of such fire department certifying the date and time such employee responded to and returned from such emergency. Such employee shall inform his employer or immediate supervisor of the reasons for such failure.

As used in this section, "responding to an emergency" shall mean responding to, working at the scene of, or returning from a fire or a call of fire in the good faith belief that such action is necessary to prevent the imminent loss of life or property, where either such fire or such call of fire occurs during a period other than the normal working hours of the employee. As used in this section, "volunteer member" shall mean a volunteer, call, reserve, or permanent-intermittent firefighter, but shall not include any person who received compensation for over nine hundred and seventy-five hours of services rendered in such capacity over the preceding six month period.

Any employee who is terminated or against whom any disciplinary action is taken in violation of the provisions of this section shall be immediately reinstated to his former position without reduction of pay, seniority or other benefits, and shall receive any lost pay or other benefits during any period for which such termination or other disciplinary action was in effect. An action to enforce the provisions of this section shall be commenced within one year of the date of the alleged violation, in the superior court within any county wherein the action occurred or wherein the employer resides or transacts business.

Approved November 8, 1988.

Chapter 279. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Arlington, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of conservation land. Said parcel is bounded and described as follows:

Beginning at a point on the northerly sideline of Brattle Street at the division line between the property line of #54 Brattle Street and land of the Conservation Commission shown as Lot C, then going northwesterly along the lot line between the two properties, a distance of 24 feet to a point, then turning and going northeasterly into land of the Conservation Commission a distance of 10 feet, then turning and going southeasterly on a line parallel to the division line between the two properties and through land of the Conservation Commission a distance of 24 feet to the sideline of Brattle Street, a distance of 10 feet to the point of beginning, said parcel containing 240 square feet, more or less.

The parcel to be received by said town from said record title owner of the said 54 Brattle Street, which shall be placed under the jurisdiction of said Conservation Commission is bounded and described as follows:

Beginning at a point at the northeasterly corner of the rear lot line of the property numbered #54 Brattle Street, then going southeasterly along the northeasterly sideline of said property a distance of 14.0 feet to a point, then turning and going westerly through said property a distance of 35.27 feet to a point on the rear property line of #54 Brattle Street, then turning and going northeasterly along said rear property line a distance of 34.76 feet to the point of beginning, said parcel containing 240 square feet, more or less.

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

Approved November 10, 1988.

Chapter 280. AN ACT RELATIVE TO VOTING PRECINCTS IN THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 427 of the acts of 1920, as amended by section 2 of chapter 5 of the acts of 1921, is hereby amended by striking out, in line 6, the word "three" and inserting in place thereof the word:- four.

SECTION 2. Said section 1 of said chapter 427 is hereby further amended by striking out, in lines 6, 21 and 24, the word "voters" and inserting in place thereof, in each instance, the word:- inhabitants.

SECTION 3. Section two of this act shall take effect as of January first, nineteen hundred and seventy-eight.

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

Approved November 10, 1988.

Chapter 281. AN ACT PROVIDING FOR VOTER EDUCATION AND VOLUNTARY REGISTRATION SESSIONS.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 42C, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 42C. In any city or town which accepts the provisions of this section, voter education and voluntary registration sessions shall be held by the registrars, assistant registrars or election commissioners one day each year between the first day of April and the fifteenth day of May in each public, private and vocational high school in their cities and towns. Said sessions shall take place as part of an educational assembly for all seniors.

A registrar or assistant registrar at a session held pursuant to the provisions of this section may receive affidavits of registration from registrants who reside in any other city or town of the commonwealth. The registrars shall forthwith transmit any such completed affidavits of registration to the registrars of the city or town where the registrant claims to reside, and said registrars shall receive such affidavits as provided in sections forty-six to forty-seven B, inclusive.

This section shall take effect upon its acceptance by any city or town.

Approved November 10, 1988.

Chapter 282. AN ACT FURTHER REGULATING MOTOR VEHICLE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. Section 25 of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 18, the words "not less than twenty-five nor more than".

SECTION 2. Section 30A of said chapter 90, as so appearing, is hereby amended by inserting after the word "plan", in line 9, the words:- and for the purposes of complying with the requirements of sections one A, thirty-four A, thirty-four B and thirty-four H pertaining to motor vehicle liability policies.

SECTION 3. Section 34B of said chapter 90, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

Whenever a company or its duly authorized employee or agent executes a certificate for an existing registered owner of a motor vehicle, such company shall notify the registrar, on a form prescribed by him within fifteen calendar days of the execution of said certificate.

SECTION 4. Section 34H of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the words "written notice" and inserting in place thereof the following words:- notice in a form he may prescribe.

Approved November 10, 1988.

Chapter 283. **AN ACT EXEMPTING CERTAIN POSITIONS IN THE MUNICIPAL LIGHT DEPARTMENT OF THE TOWN OF SHREWSBURY FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

The positions of manager of cable television, manager of electric operations, manager of administration and finance and manager of engineering in the municipal light department of the town of Shrewsbury shall be exempt from the provisions of chapter thirty-one of the General Laws.

Approved November 10, 1988.

Chapter 284. **AN ACT PROVIDING FOR A CHARTER FOR THE TOWN OF ORANGE.**

Be it enacted, etc., as follows:

SECTION 1. The following shall be the charter for the town of Orange.

Part I. Incorporation; Short Title; Powers of the Town

Section 1. Incorporation The present town of Orange, within its territorial limits as now or may hereafter be established by law, shall con-

tinue to be a body politic and corporate known as the town of Orange.

Section 2. Short Title This instrument may be cited and shall be known as the town of Orange Charter act.

Section 3. Powers of the Town The purpose of this charter is to secure for the voters of the town of Orange, through the adoption of this charter, all the powers possible to secure for their government under the Constitution and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein. To the extent that the provisions of this charter shall modify or repeal existing general laws and special acts or the body of law which constitutes the town charter under section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this charter shall govern.

Part II. Legislative Branch

Section 4. Town Meeting The legislative powers of the town shall continue to be exercised by a town meeting open to all voters.

(a) Time of Meeting. The town meeting shall meet in regular session at least twice in each calendar year. The first such meeting will be held during March, April, or May on a date fixed by bylaw. The second such meeting, the powers of which shall also be deemed to be those of an annual town meeting, except that it shall not include the election of officers or the determination of other matters to be decided by ballots of voters, shall be held during the month of January on a date fixed by bylaw.

(b) Special Meetings. In case of emergency, special town meetings may be held at the call of the board of selectmen in order to transact the legislative business of the town in an orderly manner. Special town meetings may also be held on the petition of two hundred or more voters, in the manner provided by general law.

Part III. Elected Town Officers

Section 5. Elected Town Officers, In General The offices to be filled by the voters shall be a board of selectmen, a school committee, a town moderator, a town clerk, a collector, a treasurer, board of assessors, board of public works, board of health, a board of library trustees, a housing authority, constables and a tree warden. Other regional authorities, districts, or committees as may be established by law or interlocal agreement may also be filled by the voters.

All elected officers and officials shall cooperate and coordinate activities with the town administrator.

Section 6. Board of Selectmen

(a) Composition, Term of Office There shall be a board of selectmen composed of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties The executive powers of the town shall be vested in the board of selectmen who shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible

for long-range management and fiscal planning for the town and shall be responsible for issuing policy directives and guidelines to be followed by all town agencies. The board of selectmen shall maintain liaison with departments under its direction, but shall issue no direct orders without a majority vote of the board of selectmen. The board of selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees under the direction of the board of selectmen. The board of selectmen shall cause the laws and orders for government of the town to be enforced and shall cause a record of all its official acts to be maintained. To administer its policies and to aid the board of selectmen in its official duties, the board of selectmen shall appoint a town administrator. The board of selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen by the laws of the commonwealth, by this charter, by bylaw or by vote of the town, except as otherwise provided herein.

(c) Appointment Powers and Powers to Approve Appointments The board of selectmen shall appoint a town administrator in accordance with section nineteen. The board of selectmen may appoint special committees for the purpose of providing advice and assistance to the board of selectmen.

The board of selectmen shall approve all appointments made by the town administrator in accordance with section twenty-five of this act.

Section 7. School Committee

(a) Composition, Terms of Office There shall be a school committee composed of seven members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible expire each year.

(b) Powers and Duties The school committee shall have all the powers, duties and responsibilities given to school committees by the laws of the commonwealth and such additional powers and duties as may be authorized by bylaw or by other town meeting vote. Nothing in this charter shall be construed to affect the powers and duties of the school committee as provided by law, except as specifically provided herein.

Section 8. Town Moderator

(a) Term of Office At each town election a moderator shall be nominated and elected by the voters for a term of one year.

(b) Powers and Duties The moderator shall preside at all sessions of the town meeting. Annually, at the first session of the spring town meeting, the moderator shall appoint a deputy moderator to serve as acting moderator in the event of the temporary absence or disability of the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting.

The moderator at town meetings shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by bylaw or by other vote of the town meeting.

The moderator shall have the powers and duties provided that office by

the laws of the commonwealth, by this charter, by bylaw or by other town meeting vote.

Section 9. Town Clerk

(a) Term of Office There shall be a town clerk elected for a term of three years.

(b) Powers and Duties The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal and all records of the town, shall administer the oath of office to all town officers, elected or appointed, shall issue such licenses and permits as are required by law to be issued by town clerks, supervise and manage the conduct of elections, and matters related thereto, be clerk of the town meeting, and keep its records. The town clerk shall have all of the other powers and duties which are given to town clerks by the laws of the commonwealth and such other powers, duties and responsibilities as may be provided by this charter, by bylaw, or by other town meeting vote.

Section 10. Collector

(a) Term of Office There shall be a collector elected for a term of three years.

(b) Powers and Duties The collector shall collect all accounts which are due the town. The collector shall, upon receipt of a tax list and warrant from the assessors, collect the taxes and any interest thereon and shall make a written return of such doings with the assessors. The collector shall give to the treasurer an account of all receipts and shall pay over to the treasurer all funds received. The collector shall have all the other powers, duties and responsibilities as may be provided by this charter, by bylaw or by other town meeting vote.

Section 11. Treasurer

(a) Term of Office There shall be a treasurer elected for a term of three years.

(b) Powers and Duties The treasurer shall receive and take charge of all money belonging to the town. The treasurer shall pay out and account for all town funds according to the order of the town and its authorized officers. No other person shall have authority to pay any bill of any municipal department. The treasurer shall have all the powers and duties that are given to treasurers by the laws of the commonwealth and such other powers, duties and responsibilities as may be provided by this charter, by bylaw or by other town meeting vote.

Section 12. Board of Assessors

(a) Composition, Term of Office There shall be a board of assessors composed of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.

(b) Powers and Duties The board of assessors shall annually make a fair cash valuation of all of the estate, both real and personal, subject to taxation within the town. The board shall determine the annual tax rate and shall hear and decide all applications for the abatement of such taxes. The board shall have all of the other powers and duties which are given to boards of assessors by the laws of the commonwealth and such other powers, duties and responsibilities as may be provided by this char-

ter, by bylaw, or by other town meeting vote.

Section 13. Board of Public Works

(a) Composition, Term of Office There shall be a board of public works composed of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties The board of public works shall oversee the operations of the department of public works in accordance with section twenty-eight of this charter. The board shall act as a policy making board and shall delegate the administration and the operations of the board to the director of the department of public works. The board of public works shall insure that the department of public works and the director of the department coordinates and cooperates with the town administrator.

Section 14. Board of Health

(a) Composition, Term of Office There shall be a board of health composed of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.

(b) Powers and Duties The board of health shall be responsible for the formulation and the enforcement of rules and regulations affecting the environment and the public health. The board shall have all the powers and duties which are given to boards of health by the laws of the commonwealth and such other powers, duties and responsibilities as may be provided by this charter, by bylaw, or by other town meeting vote.

Section 15. Board of Library Trustees

(a) Term of Office There shall be a board of library trustees consisting of six members elected for three year terms, so arranged that the terms of two members expire each year.

(b) Powers and Duties The board of library trustees shall appoint all employees of the library, have control over the selection of library materials, and have custody and management of the library. All money or property that the town may receive for library purposes by gift or bequest shall be administered by the board in accordance with the provisions of the gift or bequest. The board shall have all the powers and duties vested in a board of library trustees by the laws of the commonwealth, by bylaw or other town meeting vote.

Section 16. Housing Authority

(a) Composition, Term of Office There shall be a housing authority consisting of five members. Four of these members shall be chosen by ballot; the fifth member shall be appointed in the manner provided by law. Housing authority members shall serve for terms of five years each, so arranged that one term of office shall expire each year.

(b) Powers and Duties The housing authority shall continue to exercise all the powers and duties vested in the housing authority by the laws of the commonwealth.

Section 17. Constables

(a) Composition, Term of Office There shall be three constables elected for terms of three years each, so arranged that the term of one

member shall expire each year.

(b) Powers and Duties The constables shall have all the powers and duties as provided by the laws of the commonwealth and such other powers, duties and responsibilities as may be provided by this charter, by bylaw, or by other town meeting vote.

Section 18. Tree Warden

(a) Term of Office There shall be a tree warden elected for a term of three years.

(b) Powers and Duties The tree warden shall have all the powers and duties as provided by the laws of the commonwealth and such other powers, duties and responsibilities as may be provided by this charter, by bylaw, or by other town meeting vote. The tree warden shall coordinate all activities with the department of public works.

Part IV. Town Administrator

Section 19. Appointment, Qualifications, Term of Office The board of selectmen shall appoint, by majority vote of the full board, a town administrator who shall be a person of proven administrative ability, especially fit by education, training and previous experience in business or public administration to perform the duties of the office. The town administrator need not be a resident of the town of Orange at the time of appointment, but shall establish such residence within one year following the effective date of such appointment unless the board of selectmen extends such time or waives this requirement.

The town administrator shall devote full time to the duties of the office and shall not hold any other elective or appointive office nor shall the town administrator engage in any other business unless such action is approved in advance, in writing, by the board of selectmen.

The town may, from time to time, by bylaw establish additional qualifications for the office of town administrator.

Section 20. Vacancy in Office Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen. Pending appointment of the town administrator or the filling of any vacancy, the board of selectmen shall, within seven days, appoint some other suitable person to temporarily perform the duties of the town administrator. Such temporary appointment may not exceed three months but one additional renewal, not to exceed a second three months, may be voted by the board of selectmen.

Section 21. Temporary Absence The town administrator may designate, by letter filed with the board of selectmen and the town clerk, a qualified officer or employee of the town to perform the duties of the town administrator during a temporary absence or disability. In the event of failure of the town administrator to make such designation, or if the person so appointed is for any reason unable to serve, the board of selectmen may select some other suitable person to perform the duties of the town administrator until the town administrator shall return.

Section 22. Powers of Temporary Town Administrator In the case of a vacancy in the office of town administrator, or during a temporary ab-

sence or disability of the town administrator, the powers of the person appointed to serve as temporary town administrator shall be limited to matters not admitting of delay and shall include the authority to make temporary, emergency appointments or designations to town office or employment, but no appointments or designations of a permanent nature.

Section 23. Compensation and Contract The board of selectmen shall negotiate a contract with the town administrator providing for compensation, terms of employment and an annual review and evaluation of performance. The annual review shall, at least in summary form, be a matter of public record. Compensation shall be within the limits of available appropriations.

Section 24. Removal of Town Administrator The board of selectmen by a majority vote of the full board may terminate, remove or suspend the town administrator. The action of the board of selectmen in terminating, removing or suspending the town administrator shall be final and in accordance with the following procedure:

(a) Preliminary Resolution Prior to removal or termination the board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of a majority of its members. The preliminary resolution may suspend the town administrator for a period not to exceed thirty days. A copy of the resolution shall be delivered to the town administrator forthwith. If so requested by the town administrator in writing, the board of selectmen shall provide a written statement setting forth the reasons for the removal or termination. Within seven days after the receipt of the preliminary resolution, the town administrator may request a public hearing by filing a written request for such hearing with the board of selectmen. If such hearing is requested, the hearing shall be held at a meeting of the board of selectmen no later than fourteen days from the date of request.

(b) Hearing Process If a public hearing has not been requested by the town administrator, the board of selectmen may adopt a final resolution of removal, which may be effective immediately, by an affirmative vote of the majority of the full board at any time after fourteen days following the date of delivery of a copy of the preliminary resolution to the town administrator. If the town administrator requests a public hearing, the selectmen, may, at the conclusion of the hearing or within five days, adopt a final resolution of removal by an affirmative vote of the majority of the full board.

The board of selectmen may suspend the town administrator pending and during any public hearing requested by the town administrator. The town administrator shall continue to receive a salary until the final date of the removal shall become effective unless otherwise provided.

Section 25. Powers of Appointment Except as otherwise provided by this charter, the town administrator shall appoint all department heads, all officers and subordinates and employees, and all multiple-member boards, commissions and committees for whom no other method of appointment is provided in this charter, or elsewhere by bylaw, except employees of the school department, the housing authority and the

library.

Such appointments when made by the town administrator shall be subject to the approval of the board of selectmen. Appointments are effective upon the approval by the board of selectmen. If the board fails to reject the appointment within fifteen days following the day on which notice of the appointment is filed with the board of selectmen, the appointments will become effective automatically.

Section 26. Administrative Powers and Duties The town administrator shall be the administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which said administrator is given responsibility under this charter. The powers, duties and responsibilities of the town administrator shall include, but are not intended to be limited to, the following:

(a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town administrator and their respective departments and of all functions for which the town administrator is given responsibility, authority or control by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen;

(b) to administer either directly or through a person or persons supervised by the town administrator, in accordance with this charter all provisions of general or special laws applicable to the town, all bylaws, and all regulations established by the board of selectmen;

(c) to coordinate all activities of town departments under the direction of the town administrator and the board of selectmen with the activities of departments under the control of officers, boards or commissions elected directly by the voters of the town;

(d) to attend all regular and special meetings of the board of selectmen, except meetings at which the removal of the town administrator is being considered;

(e) to attend all sessions of the town meeting and to answer all questions addressed to the town administrator which are related to the warrant articles and to matters under the general supervision of the town administrator;

(f) to keep the board of selectmen fully informed as to the needs of the town and to recommend to the selectmen for adoption such measures requiring action by them or by the town as the town administrator deems necessary or expedient;

(g) to insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required;

(h) to coordinate the rental, use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee;

(i) to be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and books and other media materials for libraries, and approve the awarding of all contracts for all town departments, subject to the approval of the board of selectmen;

(j) to develop and maintain a full and complete inventory of all town

owned real and personal property;

(k) to administer the town personnel system including, but not limited to, personnel policies and practices, rules and regulations, and all collective bargaining agreements entered into by the town, except school personnel;

(l) To negotiate all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department. The town administrator may employ special counsel to assist in the performance of these duties. Contracts are subject to the approval of the board of selectmen;

(m) to prepare and submit an annual operating budget and capital improvement program as provided in sections twenty-nine and thirty of this charter provided, however, that the capital improvement program be prepared in conjunction with a long range capital planning committee;

(n) to keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen and to other elected and appointed officials as the town administrator deems necessary or expedient;

(o) to investigate or inquire into the affairs of any town department or office under the supervision of the town administrator or the job related conduct of any officer or employee thereof to be examined;

(p) to assume powers, duties and responsibilities of any subordinate officer or to authorize any subordinate officer or employee of the town to exercise any power, function or duty which the town administrator is assigned or authorized to exercise;

(q) to perform such other duties as necessary or as may be assigned by this charter, by bylaw, by town meeting vote, by vote of the board of selectmen or otherwise.

Part V. Administrative Organization

Section 27. Organization of Town Departments Subject only to an express prohibition in a general law or this charter, the town meeting may reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town body, in whole or in part, establish new agencies and may prescribe the functions, powers, duties and responsibilities of any such agency in either of the two following manners:

(a) Bylaw A bylaw may be established by a majority vote of a town meeting.

(b) Administrative Code The town administrator, after consultation with the board of selectmen, may from time to time, prepare and submit to the town meeting plans of organization or reorganization which establish operating divisions for the orderly, efficient or effective conduct of the business of the town.

Whenever the town administrator prepares such a plan the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing

will be held, not later than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of sixty days following the date of adjournment of the town meeting at which the proposal is submitted unless the town meeting shall, by a majority vote, disapprove the plan. The town meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The town administrator may, through the administrative code, and subject only to express prohibitions in a general law or this charter, reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as deemed necessary to the same extent as provided in this section for bylaws; and for such purpose transfer the duties and powers and, so far as consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to any other agency.

Section 28. Department of Public Works There shall be established a department of public works under the policy direction of the board of public works provided for in section thirteen of this charter. The town administrator shall appoint a director of public works who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The director shall be responsible for the supervision and coordination of all public works operations of the town that are placed under control of the director by this charter, by bylaw, by vote of the town or otherwise. Public works operations may include, but need not be limited to, the following: highway; sanitary landfill; water; sewage disposal; waste water treatment; cemetery; park and playground maintenance.

The department of public works shall assume all the duties and the responsibilities and perform the functions, including, but not limited to those which, prior to adoption of this charter, were performed by the dutch elm inspector, insect-pest inspector, the water commission and the cemetery commission.

Other offices and departments, the functions of which are related to a department of public works may, from time to time, be assigned to the department, provided, however, the department of public works may be reorganized or restructured in accordance with section twenty-seven of this charter.

Part VI. Financial Provisions

Section 29. Budget Process Within a time fixed by bylaw, prior to the annual town meeting, the town administrator under the direction of the board of selectmen shall submit to the finance committee a proposed budget and a capital improvement program for the town government for

the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the town administrator shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year, describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town administrator deems desirable.

The town administrator shall provide for the publication of a general summary of the proposed budget in a newspaper of general circulation within the town and indicate the times and places where a complete copy of the proposed budget and accompanying materials are available for inspection by the public.

Section 30. Finance Committee Action The finance committee shall, upon receipt of the budget and capital improvement program, consider in public meetings the detailed expenditures for each town agency proposed by the town administrator. The finance committee will confer with representatives from all town agencies in connection with its deliberations. The finance committee may request the town administrator or any town agency to provide additional information. The finance committee shall file a proposed budget and report of its recommendations for action prior to the date on which the town meeting is to act on the proposed budget. The budget to be acted upon by the town meeting shall be the budget proposed by the finance committee.

Section 31. Approval of Warrants Warrants for payments of town funds prepared by the town accountant shall be submitted to the town administrator for review. The approval of any such warrant by the town administrator and the chairman of the board of selectmen shall be sufficient authority to authorize payment by the town, but the selectmen shall approve all warrants in the event of a vacancy or absence in the office of town administrator.

Part VII. General Provisions

Section 32. Severability The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstances is held to be invalid, the application of said charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 33. Existing Law All bylaws, resolutions, rules, regulations, and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

Where provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders, and special acts and acceptances of

General Law, this charter shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not surperseded by this charter shall remain in force.

Section 34. Existing Officials and Employees All persons holding a town office or employment under the town shall retain such office or employment and shall continue to perform their duties until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency. No person in the permanent, full-time service or employment of the town shall forfeit pay grade or time in service. Such persons shall be retained in a capacity as similar to their former capacity as is practical.

Section 35. Procedures Governing Multiple Member Bodies

(a) Elected Offices

(1) Filling of Vacancies - Multiple Member Body If there is a vacancy in an elected board consisting of two or more members, other than the board of selectmen and unless under the terms of a will or other trust some other provision is made, the remaining members shall forthwith give written notice of the existence of any such vacancy to the board of selectmen. After one week's notice of the date on which the vote shall be taken, the board of selectmen with the remaining members of such board shall fill such vacancy by a joint vote. If such notice is not given within thirty days following the date on which said vacancy occurs the board of selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

(2) Filling of Vacancies - Board of Selectmen If there is a failure to elect or if a vacancy occurs in the office of selectman, the remaining selectmen may call a special election to fill the vacancy or shall call such special election upon the request in writing of two hundred registered voters of the town.

(b) Appointed Offices

(1) Filling of Vacancies Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.

(2) Loss of Office, Excessive Absence If any person appointed to serve as a member of a multiple member body shall fail to attend four or more consecutive meetings, or one-half or more of all the meetings of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last

known address of such person.

(c) Meetings All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairman or by one-third of the members thereof by suitable notice to each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board. Special meetings of any multiple member body shall also be called within one week after the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(d) Agendas At least twenty-four hours before any regularly scheduled meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board.

(e) Rules and Journal Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by law and shall provide for keeping a journal of its proceedings. These rules and journals shall be public records and copies shall be kept available in the office of the town clerk for the convenience of the public.

(f) Voting Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be recorded.

(g) Quorum A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of multiple member bodies set forth in paragraph (b) (2) of this section. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.

Section 36. Recall of Elected Officers Any person who holds an elected town office with more than six months remaining in their term of office at the time of the filing of the application, may be recalled from the office by the voters in the manner provided in this section.

(a) Recall Petitions A recall affidavit, signed by at least one hundred registered voters in each of the precincts into which the town is divided may be filed with the town clerk containing the name of the officer whose recall is sought and a statement of the grounds for recall. The board of registrars of voters shall certify such petitions with regard to the sufficiency and validity of the signatures of voters and within five working days following such filing the town clerk shall deliver to the ten persons first named on such petitions, petition blanks demanding said re-

call, printed forms of which the town clerk shall keep available. The blanks may be completed by printing or typewriting: they shall be addressed to the board of selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. A copy of the petition shall be entered into the record book to be kept in the office of the town clerk.

The recall petitions shall be returned to the office of the town clerk within fourteen days following the date they are issued, signed by at least twenty-five per cent of the total number of persons who voted at the most recent annual town election.

The town clerk shall, forthwith, following such filing, submit the petitions to the board of registrars of voters which shall within five days thereafter certify thereon the number of signatures which are the names of voters.

(b) Recall Election If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with a certificate to the board of selectmen. Upon its receipt of the certified petition, the board of selectmen shall forthwith give notice in writing of said petition to the officer whose recall is sought. If said officer does not resign from office within five days following delivery of the said notice, the board of selectmen shall order a special election to be held not less than sixty nor more than ninety days after the date of the certification of the town clerk that the petition is sufficient; provided, however, that if a regular annual town election is to be held within one hundred days following the date of said certificate the recall election shall be held in conjunction therewith and not at a special election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(c) Nomination of Candidates The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in conformity with the provisions of law relating to town elections generally, unless otherwise provided in this section.

(d) Propositions on the Ballot Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the names of candidates arranged by a lottery drawn by the town clerk. If a majority of the votes cast is in favor of the recall, and provided at least twenty-five per cent of the total number of persons who voted at the most recent annual town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

(e) Officeholder The incumbent shall continue to hold office and perform the duties until the recall election. If not then recalled, the officer shall continue in office for the remainder of the unexpired term, subject to recall as provided in paragraph (f).

If the officer is recalled, the office shall be deemed vacant upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(f) Repeat of Recall Petition No recall shall be filed against an officer within six months after taking office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

Section 37. Availability of Town Officials at Town Meetings Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting for the purpose of providing the town meeting with information pertinent to matters appearing in the warrant.

In the event any town officer, chairperson of a multiple member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

Section 38. Definitions

Days: The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.

Emergency: The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

Majority Vote: The words "majority vote" shall mean a majority of those present and voting, providing that a quorum of the body is present when the vote is taken, unless a higher number is required by law or this charter.

Section 39. Transfer of Property and Records All records, property and other equipment whatsoever of any agency, department or board or part thereof, the powers and duties of which are assigned in whole or in part to another town agency, department or board, shall be transferred forthwith.

Section 40. Transitional Provisions This charter shall become effective upon the ratification by voters as provided in section forty-one, except as otherwise provided in this section:

(a) A special election to increase the number of selectmen from three to five shall be held within ninety days of the adoption of this charter. Candidates shall be nominated and the election shall be held in accordance with the general laws relating to town elections. The candidate for the office of selectman who receives the highest number of

votes at such special election shall serve until the town election in the third year following the year in which this act is adopted, and the candidate who receives the next highest number of votes shall serve until the town election in the second year following the year in which this charter is adopted. Thereafter candidates shall be elected to fill the expiring terms as provided in section six of this charter. The terms of office of the incumbent selectmen shall not be affected by this section.

(b) At the same special election called to increase the number of members of the board of selectmen from three to five the board of public works shall be elected. The initial terms of office of the five members of the board of public works shall be as follows: two members shall be elected for a term of three years; two members shall be elected for a term of two years; and one member shall be elected for a term of one year. Thereafter, members will be elected according to section thirteen of this charter.

(c) The board of selectmen shall forthwith, following the special election held for the purpose of increasing the number of the board of selectmen from three to five initiate recruitment of qualified applicants to be appointed to the office of town administrator. To assist in the recruitment of the first town administrator the board of selectmen shall appoint a search and screening committee which shall be a broad representative citizen committee. The search and screening committee shall screen and interview applicants for the office of town administrator and recommend candidates to the board of selectmen. Nothing in this section shall limit the power of the board of selectmen to appoint a town administrator. The appointment of the town administrator shall be made effective as soon as it is possible to do so. The administrator appointed shall assume the position within ninety days of the official appointment.

(d) The position of administrative assistant to the board of selectmen shall upon the appointment of the town administrator be abolished. It is the intention of this section that the administrative assistant shall not automatically be continued in the office under the designation of town administrator which office is created by this charter. There shall be a wide spread search for the candidates to be considered for appointment to the office of town administrator. The incumbent administrative assistant may be such a candidate.

(e) Upon the election of the board of public works pursuant to section twenty-eight of this charter there shall be established a department of public works and the water commission and the cemetery commission shall be abolished. The powers and duties of the water commission and the cemetery commission shall be transferred to the department of public works. Until such time as the department of public works is otherwise organized by the board of public works and the director of public works, the department shall have the following divisions or organizational units: highway division; dutch elm inspector; a cemetery division; parks and playgrounds division; water division; waste water treatment plant; sewer division; insect pest inspector; and landfill.

(f) Until such time as a different form of organization is provided in

accordance with procedures made available in section twenty-seven of this charter the following organization shall be operative:

The town administrator shall appoint, with the approval of the board of selectmen as provided in section twenty-five:

Office(s)	No. of Members
town accountant	1
registrars of voters	3
town counsel	1
planning board	7
historical commission	7
conservation commission	7
arts lottery council	9
airport commission	5
recreation commission	7
zoning board of appeals	5
mobile home rent control board	3
council on aging	9
community development coordinator	1
town planner	1
veteran's agent	1
plumbing inspector	1
sealer of weights and measures	1
animal inspector	1
director of public works	1
chief of police	1
fire chief	1
dog officer	1
building inspector	1
gas inspector	1
electrical inspector	1

and all other officers and employees for whom no other method of selection is provided by this charter.

The moderator shall appoint:

a finance committee	7
a personnel board	5
Franklin County Technical school committee members	2

and any ad hoc and special committees if so provided by town meeting vote.

(g) Comprehensive Personnel Bylaw

Within twelve months after the adoption of this charter, or at the next regular town meeting, the personnel board shall prepare and design a comprehensive personnel system, including all personnel policies.

(h) Capital Planning Committee

Until such time as the town provides otherwise, the town administrator shall appoint a seven member capital planning committee to assist in the

preparation of financial strategy plans.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Orange at the town election to be held in the year nineteen hundred and eighty-nine in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said election:- "Shall an act passed by the general court in the year nineteen hundred and eighty-eight entitled 'An Act providing for a charter for the town of Orange', be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, this act shall therefore take full effect, but not otherwise.

Approved November 10, 1988.

Chapter 285. AN ACT RELATIVE TO ASSAULT AND BATTERY UPON CERTAIN PUBLIC SERVANTS.

Be it enacted, etc., as follows:

Section 13D of chapter 265 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "powers", in line 5, the words:- , an employee in the department of youth services with the care and custody of a juvenile offender.

Approved November 15, 1988.

Chapter 286. AN ACT RELATIVE TO LIMITED PARTNERSHIPS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 109 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) "Certificate of limited partnership", the certificate referred to in section eight, and the certificate as amended or restated.

SECTION 2. Said section 1 of said chapter 109, as so appearing, is hereby further amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

(6) "Limited partner", a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

SECTION 3. Said chapter 109 is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. (a) Each limited partnership shall keep at the office referred to in clause (1) of section four the following:

(1) a current list of the full name and last known business address of each partner, separately identifying in alphabetical order the general partners and the limited partners;

(2) a copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed;

(3) copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the three most recent years;

(4) copies of any then effective written partnership agreements and of any financial statements of the limited partnership for the three most recent years; and

(5) unless contained in a written partnership agreement, a writing setting out:

(i) the amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(ii) the times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(iii) any right of a partner to receive, or of a general partner to make distributions to a partner which include a return of all or any part of the partner's contribution; and

(iv) any events upon the happening of which the limited partnership is to be dissolved and its affairs closed.

(b) Records kept under this section shall be subject to inspection and copying at the reasonable request and at the expense of any partner during ordinary business hours.

(c) The current list of names and addresses of the limited partners shall be made available to the secretary of state within five business days of receipt of a written request by said secretary or by the director of the securities division of the secretary of state's office stating that such information is required in connection with an investigatory or enforcement proceeding.

SECTION 4. Section 8 of said chapter 109, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) In order to form a limited partnership a certificate of limited partnership shall be executed. The certificate shall be filed in the office of the secretary of state and shall set forth:

(1) the name of the limited partnership;

(2) the general character of its business;

(3) the address of the office and the name and address of the agent for service of process required to be maintained by section four;

(4) the name and the business address of each general partner;

(5) the latest date upon which the limited partnership is to dissolve; and

(6) any other matters the general partners determine to include therein.

SECTION 5. Subsection (b) of section 9 of said chapter 109, as so appearing, is hereby amended by striking out clauses (1) to (4), inclusive, and inserting in place thereof the following three clauses:–

(1) the admission of a new general partner;

(2) the withdrawal of a general partner; or

(3) the continuation of the business under section forty-four after an event of withdrawal of a general partner.

SECTION 6. Said section 9 of said chapter 109, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:–

(c) A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described have changed, making the certificate inaccurate in any respect, shall promptly amend the certificate.

SECTION 7. Said section 9 of said chapter 109, as so appearing, is hereby further amended by adding the following subsection:–

(f) A restated certificate of a limited partnership may be executed and filed in the same manner as a certificate of amendment.

SECTION 8. Section 11 of said chapter 109, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following two subsections:–

(a) Each certificate required by sections eight to sixteen, inclusive, to be filed in the office of the secretary of state shall be executed in the following manner:

(1) an original certificate of limited partnership must be signed by all general partners;

(2) a certificate of amendment must be signed by at least one general partner and by each other general partner designated in the certificate as a new general partner; and

(3) a certificate of cancellation must be signed by all general partners.

(b) Any person may sign a certificate by an attorney-in-fact, but a power of attorney to sign a certificate relating to the admission of a general partner must specifically describe the admission.

SECTION 9. Said chapter 109 is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section:–

Section 12. If a person required by section eleven to execute a certificate fails or refuses to do so, any other person who is adversely affected by the failure or refusal may petition the superior court department of the trial court to direct the execution of the certificate. If the court finds that it is proper for the certificate to be executed and

that any person so designated has failed or refused to execute the certificate, it shall order the secretary of state to record an appropriate certificate.

SECTION 10. Said chapter 109 is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. The fact that a certificate of limited partnership is on file in the office of the secretary of state is notice that the partnership is a limited partnership and the persons designated therein as general partners are general partners, but it is not notice of any other fact.

SECTION 11. Said chapter 109 is hereby further amended by striking out sections 17 and 18, as so appearing, and inserting in place thereof the following two sections:-

Section 17. (a) A person becomes a limited partner on the later of:

(1) the date the original certificate of limited partnership is filed; or

(2) the date stated in the records of the limited partnership as the date that person becomes a limited partner.

(b) After the filing of a limited partnership's original certificate of limited partnership, a person may be admitted as an additional limited partner:

(1) in the case of a person acquiring a partnership interest directly from the limited partnership, upon compliance with the partnership agreement or, if the partnership agreement does not so provide, upon the written consent of all partners; and

(2) in the case of an assignee of a partnership interest of a partner who has the power, as provided in section forty-two, to grant the assignee the right to become a limited partner, upon the exercise of that power and compliance with any conditions limiting the grant or exercise of the power.

Section 18. (a) Subject to section nineteen, the partnership agreement may grant to all or a specified group of the limited partners the right to vote, on a per capita or other basis, upon any matter.

(b) When the limited partnership is an investment company registered under the Investment Company Act of 1940, 15 USC 80a, the limited partner shall have the right to vote (i) in the election of general partners, directors, or trustees of the investment company, (ii) to approve or terminate investment advisory or underwriting contracts, (iii) for approval of auditors, and (iv) on any matters that the said Investment Company Act of 1940, or rules and regulations promulgated thereunder, requires to be approved by the holders of beneficial interests in the investment company.

SECTION 12. Section 19 of said chapter 109, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following two subsections:-

(a) Except as provided in subsection (d), a limited partner is not liable

for the obligations of a limited partnership unless he is also a general partner or, in addition to the exercise of his rights and powers as a limited partner, he participates in the control of the business; provided, however, that if the limited partner participates in the control of the business, he is liable only to persons who transact business with the limited partnership reasonably believing, based upon the limited partner's conduct, that the limited partner is a general partner.

(b) A limited partner does not participate in the control of the business within the meaning of subsection (a) solely by doing one or more of the following:

(1) being a contractor for or an agent or employee of the limited partnership or of a general partner, or being an officer, director or shareholder of a general partner which is a corporation;

(2) consulting with and advising a general partner with respect to the business of the limited partnership;

(3) acting as surety for the limited partnership or guaranteeing or assuming one or more specific obligations of the limited partnership;

(4) taking any action required or permitted by law to bring or pursue a derivative action in the right of the limited partnership;

(5) requesting or attending a meeting of partners;

(6) proposing, or approving or disapproving, by voting or otherwise, one or more of the following matters:

(i) the dissolution and closing of the limited partnership;

(ii) the sale, exchange, lease, mortgage, pledge, or other transfer of all or substantially all of the assets of the limited partnership;

(iii) the incurrence of indebtedness by the limited partnership other than
in the ordinary course of its business;

(iv) a change in the nature of the business;

(v) the admission or removal of a general partner;

(vi) the admission or removal of a limited partner;

(vii) a transaction involving an actual or potential conflict of interest between a general partner and the limited partnership or the limited partners;

(viii) an amendment to the partnership agreement or certificate of limited partnership; or

(ix) matters related to the business of the limited partnership not otherwise set forth in this subsection, which the partnership agreement states in writing may be subject to the approval or disapproval of limited partners;

(7) closing of the affairs of the limited partnership pursuant to the provisions of section forty-six; or

(8) exercising any right or power permitted to limited partners under this chapter and not specifically enumerated in this subsection.

SECTION 13. Section 20 of said chapter 109, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) A person who makes a contribution of the kind described in subsection (a) is liable as a general partner to any third party who transacts business with the enterprise (i) before the person withdraws and an appropriate certificate is filed to show withdrawal, or (ii) before an appropriate certificate is filed to show that he is not a general partner, but in either case only if the third party actually believed in good faith that the person was a general partner at the time of the transaction.

SECTION 14. Said chapter 109 is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. After the filing of a limited partnership's original certificate of limited partnership, additional general partners may be admitted as provided in the partnership agreement or, if the partnership agreement does not provide for the admission of additional general partners, with the written consent of all partners.

SECTION 15. Section 23 of said chapter 109, as so appearing, is hereby amended by striking out clauses (4) and (5) and inserting in place thereof the following two clauses:-

(4) Unless otherwise provided in writing in the partnership agreement the general partner: (i) makes an assignment for the benefit of creditors, (ii) files a voluntary petition in bankruptcy; (iii) is adjudicated a bankrupt or insolvent; (iv) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of this nature; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties;

(5) unless otherwise provided in writing in the partnership agreement one hundred and twenty days after the commencement of any proceeding against the general partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within ninety days after the appointment without his consent or acquiescence of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties, the appointment is not vacated or stayed or within ninety days after the expiration of any such stay, the appointment is not vacated;.

SECTION 16. Said chapter 109 is hereby further amended by striking out sections 28 to 31, inclusive, as so appearing, and inserting in place thereof the following four sections:-

Section 28. (a) No promise by a limited partner to contribute to the limited partnership is enforceable unless set out in a writing signed by the limited partner.

(b) Except as provided in the partnership agreement, a partner is obligated to the limited partnership to perform any enforceable promise to contribute cash or property or to perform services, even if he is unable to perform because of death, disability or any other reason. If a partner does not make the required contribution of property or services, he is obligated at the option of the limited partnership to contribute cash equal to that portion of the value, as stated in the partnership records required to be kept pursuant to section five, of the stated contribution that has not been made.

(c) Unless otherwise provided in the partnership agreement, the obligation of a partner to make a contribution or return money or other property paid or distributed in violation of this chapter may be compromised only by consent of all the partners. Notwithstanding the compromise, a creditor of a limited partnership who extends credit, or otherwise acts in reliance on that obligation after the partner signs a writing which reflects the obligation, and before the amendment or cancellation thereof to reflect the compromise, may enforce the original obligation.

Section 29. The profits and losses of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in writing in the partnership agreement. If the partnership agreement does not so provide in writing, profits and losses shall be allocated on the basis of the value, as stated in the partnership records to be kept pursuant to section five, of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

Section 30. Distributions of cash or other assets of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in writing in the partnership agreement. If the partnership agreement does not so provide in writing, distributions shall be made on the basis of the value, as stated in the partnership records to be kept pursuant to section five, of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

Section 31. Except as provided in sections thirty-one to thirty-eight, inclusive, a partner is entitled to receive distributions from a limited partnership before his withdrawal from the limited partnership and before the dissolution and closing of its affairs to the extent and at the times or upon the happening of the events specified in the partnership agreement.

SECTION 17. Said chapter 109 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. A limited partner may withdraw from a limited partnership at the time or upon the happening of events specified in writing in the partnership agreement. If the agreement does not specify the time or the events upon the happening of which a limited partner may

withdraw or a definite time for the dissolution and closing of the affairs of the limited partnership, a limited partner may withdraw upon not less than six months' prior written notice to each general partner at his address on the books of the limited partnership at its office in the commonwealth.

SECTION 18. Said chapter 109 is hereby further amended by striking out section 35, as so appearing, and inserting in place thereof the following section:-

Section 35. Except as provided in writing in the partnership agreement, a partner, regardless of the nature of his contribution, has no right to demand and receive any distribution from a limited partnership in any form other than cash. Except as provided in writing in the partnership agreement, a partner may not be compelled to accept a distribution of any asset in kind from a limited partnership to the extent that the percentage of the asset distributed to him exceeds a percentage of that asset which is equal to the percentage in which he shares in distributions from the limited partnership.

SECTION 19. Section 38 of said chapter 109, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) A partner receives a return of his contribution to the extent that a distribution to him reduces his shares of the fair value of the net assets of the limited partnership below the value, as set forth in the partnership records required to be kept pursuant to section five, of his contribution which has not been distributed to him.

SECTION 20. Section 42 of said chapter 109, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following two subsections:-

(a) An assignee of a partnership interest, including an assignee of a general partner, may become a limited partner if and to the extent that (1) the assignor gives the assignee that right in accordance with authority described in the partnership agreement, or (2) all other partners consent.

(b) An assignee who has become a limited partner has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a limited partner under the partnership agreement and this chapter. An assignee who becomes a limited partner also is liable for the obligations of his assignor to make and return contributions as provided in sections twenty-seven to thirty-eight, inclusive; provided, however, that the assignee is not obligated for liabilities unknown to the assignee at the time he became a limited partner.

SECTION 21. Said chapter 109 is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section:-

Section 44. A limited partnership is dissolved and its affairs shall be

closed upon the happening of the first to occur of the following:

(1) at the time specified in writing in the partnership agreement;

(2) upon the happening of events specified in writing in the partnership agreement;

(3) written consent of all partners;

(4) an event of withdrawal of a general partner unless at the time there is at least one other general partner and the written provisions of the partnership agreement permit the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but the limited partnership is not dissolved and is not required to close its affairs by reason of any event of withdrawal, if, within ninety days after the withdrawal, all partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired; or

(5) entry of a decree of judicial dissolution under section forty-five.

SECTION 22. The second paragraph of section 49 of said chapter 109, as so appearing, is hereby amended by striking out clauses (6) and (7) and inserting in place thereof the following three clauses:-

(6) the business address of its principal office in the commonwealth, if any;

(7) the name and business address of its resident agent; and

(8) the address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in the commonwealth is cancelled.

SECTION 23. This act shall take effect on March first, nineteen hundred and eighty-nine.

Approved November 15, 1988.

Chapter 287. AN ACT ESTABLISHING THE CHELMSFORD-CARLISLE REGIONAL CONSERVATION DISTRICT IN THE TOWNS OF CHELMSFORD AND CARLISLE.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the towns of Chelmsford and Carlisle a body corporate to be known as the Chelmsford-Carlisle Regional Conservation District, hereinafter called the District. The District shall include approximately one hundred and fifty-nine acres off Elm Street in the town of Chelmsford and one hundred and fifty-one acres off Curve street in the town of Carlisle, containing cranberry bogs, ponds, wetlands, wooded uplands, and a portion of River Meadow Brook. The parcels of land in the town of Chelmsford are bounded and described

as follows:

PARCEL 1: The land located in Chelmsford, Middlesex County, Massachusetts being bounded and described as follows:

Beginning at a bound in line with an old stone wall and at a point in a line described in a mortgage deed of Alexander Moore to John F. Parker recorded with Middlesex North District Registry of Deeds Book 645, Page 456 as follows:

"thence south 10 degrees east in a straight line by two large stumps and a short stone wall at the edge of a heavy wood eight hundred ten (810) feet to the swamp by land of Mrs. Lyon"

Thence, by land now or formerly of Alexander Moore and by approximate true meridian courses, south eighty-eight (88) degrees east 168.5 feet, more or less, by the aforesaid "old wall" to a stake on the westerly side of an old roadway; south 5 degrees 25 minutes east 192.0 feet, more or less, to bound, south 39 degrees 32 minutes east 308.5 feet, more or less, to bound, north 45 degrees 58 minutes east 132.5 feet, more or less, to bound, north 34 degrees 30 minutes east 158.5 feet, more or less, to bound and north 15 degrees 30 minutes east 190.0 feet, more or less, to bound by a wall, the last said bound being the line described in the deed mentioned above as follows, "(thence north 80 degrees west by the wall one hundred sixty two (162) feet to a corner)", and being about 87.0 feet easterly from said corner. The aforesaid deed is dated June 16, 1921, is recorded in Middlesex North District Registry of Deeds, and is referred to for fuller description. See Book 645, Page 456. The premises are hereby conveyed subject to any rights-of-way, existing in any person or persons, over said land.

Being the same premises conveyed to Lowell Cranberry Company by deed of Alexander Moore, dated February 13, 1929 and recorded in the northern district registry of deeds in the county of Middlesex in Book 773, Page 469.

PARCEL 2: The land in Chelmsford, Middlesex County, Massachusetts, being bounded and described as follows:

Beginning at a bound by a wall at land now or formerly of George Smith, formerly of Edgar Parker, and at land now or formerly of Jennie A. Lyons; thence by said Lyons land by approximate true meridian courses, south 42 degrees east 435.0 feet to bound, north 85 degrees east 136.0 feet to large boulder, south 65 degrees 15 minutes east 145.0 feet to bound, south 34 degrees 30 minutes east 65.0 feet to bound, south 53 degrees 45 minutes east 76.0 feet to bound, south 48 degrees 30 minutes east 86.5 feet to bound, south 36 degrees 5 minutes east 73.0 feet to bound and south 64 degrees 45 minutes east 98.0 feet to marked white-pine tree by wall at land now or formerly of Alexander Moore, formerly of John Parker; thence northwesterly by said Moore land to land now or formerly of Deacon Dudley's heirs; thence by land last mentioned, and still in a northwesterly direction about 47.0 rods to stake and stones at land now or formerly of George Smith, mentioned above; thence by said land in a broken course about 190.0 feet to the point of the beginning.

Subject to water-use, right of way and pipeline easements as the same

are set forth in a deed of Jennie A. Lyons to Lowell Cranberry Company dated February 13, 1929, and recorded in the northern district registry of deeds in the county of Middlesex in Book 773, Page 470, and being the same premises described in said deed.

PARCEL 3: The land in Chelmsford, Middlesex County, Massachusetts consisting of one hundred square rods, be the same more or less, which is bounded and described as follows:

Beginning at a large oak stump at a cart path and at land formerly of Artemas Parker and now or formerly of Alexander Moore; thence Northerly by said land about fifty (50) rods to a corner; thence easterly by same land about seventy (70) feet, be the same more or less, to corner at land now or formerly of one Reardon; thence southerly by the last mentioned and about fifty (50) rods be the same more or less, to the point of beginning.

Being the same of premises conveyed to Lowell Cranberry Company by deed of John F. Parker dated February 13, 1929, and recorded in the northern district registry of deeds in the county of Middlesex in Book 773, Page 471.

PARCEL 4: That portion of the below-described parcel of land as is located in the Town of Chelmsford, Middlesex County, Massachusetts:

Beginning at the road leading from the house of Calvin W. Adams to Carlisle at the South side of the lane thence running westerly on said lane to land now or formerly of Benjamin Barrett; thence still westerly by said Barrett's land to the corner of the wall at land now or formerly of Daniel Proctor; thence northerly on the wall by said Proctor's land to the corner of the wall at land formerly of Owen Emerson; thence easterly by said Emerson's land to a stake and stones at land formerly of Joel Wright; thence southerly about 10 rods by said Wright's land to a Maple tree with stones about it; thence easterly on the wall of said Wright's land to the corner of the wall at the lane; thence south on the wall by said Wright's land to the corner of the wall; thence east at the wall by said lane to the road; thence south about 2 rods across said lane to the point of beginning.

Being the same premises conveyed to Lowell Cranberry Company by deed of Arthur M. Warren dated July 27, 1929 and recorded in the northern district registry of deeds in the county of Middlesex in Book 779, Page 448.

PARCEL 5: The land located in the Southerly part of said Chelmsford containing about twenty acres bounded and described as follows:

Beginning at the northeasterly corner thereon; thence southerly by land of the grantor to a stone bound at land formerly of Jacob Blaisdell; thence westerly by said Blaisdell land to the road; thence northerly by the road to land formerly of the widow Pel sues thirds; thence easterly and northerly by said last named land to land formerly of William Byam; thence easterly by said Byam land to a white oak tree at land formerly of Daniel Proctor; thence southeasterly and northeasterly by said Proctor land to the point of beginning. Together with the right to drain through the land of the grantee located easterly thereof as reserved in the deed to Nickles Cranberry Co. Inc., grantor's predecessor in title to that par-

cel.

Being the same premises conveyed to Lowell Cranberry Company by deed of Ednah F. P. Parkhurst and Bessie A. Byam dated October 31, 1932.

PARCEL 6: The land located in Chelmsford, Middlesex County, Massachusetts, being bounded and described as follows:

Beginning at the southeasterly corner of the premises on the westerly side of Park Road, formerly known as Martin Street, at the end of a wall by land formerly of Z. Wright, now or formerly of Edward E. Alcorn; thence westerly by land of said Alcorn land of the grantor hereunder and land now or formerly of Francis M. and Avis S. Collins about nineteen hundred and eighty-eight (1988) feet to land formerly of D. Proctor, now supposed to be of the grantor; thence northerly by last mentioned land about nine hundred and ninety-four (994) feet to land formerly of J. Parker, now or formerly of James E. Reardon; thence easterly by last mentioned land about nineteen hundred sixty (1960) feet to the westerly side of Park Road at a point formerly marked by a birch tree at the wall; thence southerly by said road about eight hundred forty-five (845) feet to the point of beginning; be any of such contents or measurements more or less and however otherwise bounded or described, and excepting from such description two adjoining parcels of approximately forty thousand (40,000) square feet each, on said Park Road, one being described in deed to George F. Simpson recorded in Middlesex North District Registry of Deeds Book 778, Page 396, and the other in deed of Charles U. Crobeil recorded in said Registry Book 812, Page 244. Hereby conveying all those premises conveyed to Lowell Cranberry Company by deed of John F. Parker, said deed being dated November 13, 1935 and recorded in the northern district registry of deeds in the county of Middlesex in Book 875, Page 276; with the exception of the two parcels above described.

PARCEL 7: The land located in Chelmsford, Middlesex County, Massachusetts being bounded and described as follows:

Beginning at a stake and stones by land now or formerly of George W. Wilson and thence running southerly by land set off to Abial Warren to land now or late of Asa Parker; thence easterly by said Parker land to land now or late of Daniel Proctor; thence northerly by said Proctor land to land now or formerly of George W. Wilson; thence westerly by said Wilson land to the bound first mentioned.

Being the same premises conveyed to the grantor by deed of Francis M. Collins and Avis S. Collins and recorded in the northern district registry of deeds in the county of Middlesex in Book 892, Page 156.

PARCEL 8: So much of the following parcel of land as may be located within the boundaries of the town of Chelmsford:

The parcel of land located partly in Chelmsford and partly in Carlisle and known as the Crosby lot, containing five acres more or less and more particularly described in a deed from John F. Parker and Ethelyn Parker to Francis M. Collins and Avis S. Collins and recorded with Middlesex North District Registry of Deeds Book 780, Page 547.

Being the same premises conveyed to the grantor by and subject to a

well easement contained in deed of Francis M. and Avis S. Collins dated December 29, 1936, and recorded in the northern district registry of deeds in the county of Middlesex in Book 892, Page 156.

PARCEL 9: The strip of land located in Chelmsford, Middlesex County, Massachusetts:

Beginning at the low water mark of Hart's pond and extending to the highway leading from Chelmsford to Carlisle. The center line of such strip is coincident with the center line of River Meadow or Hale's Brook, so called. That portion of the strip between said pond and the railroad is 35 feet wide and that portion lying between the railroad and said highway is 30 feet wide.

Excepted from said conveyance is so much of said strip as is included within the location of said railroad.

Including in said conveyance all water rights and privileges appurtenant to said strip including rights to flowage and water power.

Being the same premises conveyed to the grantor as parcel #10 in a deed from Nickles Cranberry Co. dated March 24, 1922, and recorded in the northern district registry of deeds in the county of Middlesex in Book 658, Page 151.

PARCEL 10: The land in Chelmsford, Middlesex County, Massachusetts containing 6 acres, more or less, and described as parcel #11 in a deed from Nickles Cranberry Company to the grantor dated March 24, 1922 and recorded in the northern district registry of deeds in the county of Middlesex in Book 658, Page 151.

PARCEL 11: The land located in Chelmsford, Middlesex County, Massachusetts containing 20 acres, more or less, and described as parcel #14 in a deed from Nickles Cranberry Company to the grantor dated March 24, 1922 and recorded in the northern district registry of deeds in the county of Middlesex in Book 658, Page 151.

Said conveyance is made subject to the exceptions, reservations and agreement referred to in said deed.

PARCEL 12: Two lots of land in Chelmsford, Middlesex County, Massachusetts containing 12 acres and 2 acres, respectively and collectively described as parcel #15 in a deed from Nickles Cranberry Company to the grantor dated March 24, 1922 and recorded in the northern district registry of deeds in the county of Middlesex in Book 658, Page 151.

Subject to a utility easement granted to the Lowell Electric Light Corp. recorded in the northern district registry of deeds in the county of Middlesex in Book 1186, Page 104.

Subject to classification as agricultural/horticultural land as recorded in the northern district registry of deeds in the county of Middlesex in Book 2118, Page 287.

Subject to easements and rights of way of record so far as the same may be in force and applicable.

Meaning and intending to convey any and all right, title and interest that the grantor may have in or over any land in the town of Chelmsford including all water rights and privileges appurtenant to said parcels in-

cluding rights to flowage and water power.

Meaning and intending to convey any and all right, title and interest that the grantor may have in or over the land shown on a plan entitled "Compiled Plan of Land in Chelmsford, Massachusetts, Prepared for the Chelmsford Board of Selectmen and Chelmsford Conservation Commission, Dated December 16, 1986," to be recorded herewith.

Title to said parcels of land in Chelmsford shall remain with the Town of Chelmsford.

Said parcels of land located in Carlisle are bounded and described as follows:

A certain parcel of land containing approximately 151 acres believed to be owned by the Lowell Cranberry Company, and known as the Cranberry Bog which is located off both sides of Curve Street in Carlisle, and described by deeds to the Lowell Cranberry Company recorded in the northern district registry of deeds in the county of Middlesex in Book 779, page 448, Book 892, page 156; Book 861, page 117; Book 658, page 151; and Book 894, page 547, meaning and intending to take all land owned by the Lowell Cranberry Company in Carlisle and roughly bounded as follows:

Lot 15 of Assessors plate 31, containing approximately 18 acres of land bounded on the North by Curve Street; on the East by land of the Commonwealth of Massachusetts and on the South by Lots 4, 7, and 12 of assessors plate 28;

Lot 2 of Assessors plate 30 containing approximately 92 acres of land bounded on the North by the Carlisle/Chelmsford town line; on the East by Lot 5, and Martin Street; bounded on the South by Lot 4, and Lot 1, and on the West by Lots 9, 10, Fisk Street, and Lot 11, all on assessors plate 30; and

Lot 3 of Assessors plate 30 with the building thereon; containing approximately .5 acres and bounded on the South by Curve Street; on the West by Lot 2; and on the East North and West by Lot 4, all on assessors plate 30; and

Lot 4 of assessors plate 30, containing approximately 40.2 acres; bounded on the South-Southwest by Curve Street and Lot 3, and on the East, North and West by Lot 2; and for a more detailed description of said lots, see the deeds posted at the Carlisle Town Hall during its usual business hours.

Title to said parcels of land in Carlisle shall remain with the Town of Carlisle.

SECTION 2. The purpose of the District is the permanent protection and management of its land and water resources for open space, passive recreation, wildlife habitat, water supply to the towns of Chelmsford and Carlisle, and agricultural use including the growing of cranberries.

SECTION 3. There is hereby created a Chelmsford-Carlisle Regional Conservation Board, hereinafter referred to as the Board.

The Board shall consist of seven members, three of whom shall be

residents of the town of Chelmsford and appointed by the board of selectmen of said town and, three of whom shall be residents of the town of Carlisle and appointed by the board of selectmen of said town. Initially, one person from each of the said towns shall be appointed for a one-year term, one person from each of the said towns shall be appointed for a two-year term, and one person from each of the said towns shall be appointed for a three-year term. Thereafter, all persons shall be appointed for three year terms.

The Massachusetts Department of Environmental Management Region 2 Supervisor or his designee shall be a member ex-officio.

Members may be reappointed. Any vacancy shall be filled by the original appointing authority, for the remainder of the unexpired term. Any member may be removed for cause by the original appointing authority upon written charges and after a public hearing and pursuant to applicable law.

Members of the Board shall serve without compensation except for reimbursement of reasonable expenses as determined by the Board.

The Board shall annually elect a chairperson, treasurer, and clerk from among its members. Initially and following any vacancy due to resignation or removal of an officer, said officers shall be elected for the remaining portion of a year.

Meetings of the Board shall be held at the call of the chair and in such other manner as determined by its by-laws.

The Board shall meet at least six times a year. All meetings of the Board shall be conducted pursuant to the provisions of chapter thirty A of the General Laws.

Actions of the Board shall require an affirmative vote by a majority of its members.

SECTION 4. The Board shall have the following powers and duties:

(a) The Board shall administer the affairs and manage the resources of the District.

(b) The Board shall prepare and adopt by-laws consistent with the provisions and intent of this act and describing and stipulating its organization and operations. Said by-laws shall be adopted within six months of the establishment of the District and may be revised from time to time.

(c) The Board shall publish land use and management plans for the District pursuant to the provisions of section six and shall use every means available to implement said plans. Actions of the Board shall be limited to the scope of the plans and the provisions of this act.

(d) The Board shall annually determine a budget for the District in the amounts necessary to be raised to maintain and operate the District for the following fiscal year. Said budget shall be submitted to the towns of Chelmsford and Carlisle by January first of each year. Any request for funding from the towns shall be submitted with the budget and shall require town meeting approval.

(e) The Board shall prepare an annual report detailing the District's activities and financial income and expenditures and submit it to the

towns of Chelmsford and Carlisle with the budget. The annual report of the District shall be printed in the annual reports of the towns of Chelmsford and Carlisle.

(f) The Board shall at all times keep a full and accurate account of the District's receipts, expenditures, disbursements, assets, and liabilities, which shall be open to inspection by its Board members or an officer or duly appointed agent of the towns of Chelmsford or Carlisle or the commonwealth and shall provide for an annual audit.

(g) The Board may employ personnel and hire consultants as it deems necessary. Said personnel and consultants shall not be subject to the provisions of chapter thirty-one of the General Laws.

(h) The Board may acquire land, interests in land outside the boundaries of the District and personal property from any source, public or private, including the towns of Chelmsford and Carlisle, by purchase, lease, gift or otherwise pursuant to the management plan. Eminent domain procedures may be utilized solely for the purpose of clearing a title.

(i) The Board may enter into agreements, contracts, or leases with any person, persons or organizations, public or private, including any governmental bodies or agencies, including the towns of Chelmsford and Carlisle for the purpose of carrying out the provisions of this act.

(j) The Board may receive and expend any funds appropriated by the respective town meetings of the towns of Chelmsford and Carlisle or from any other source.

(k) The Board may seek state, federal, or other financial assistance, including reimbursements, grants, and loans.

(l) The Board may sell agricultural products including cranberries and cranberry products, and other resources, including but not limited to water and timber, and receive and expend the revenues therefrom, in accordance with conditions set forth in the management plan.

(m) The Board may allow water within its boundaries to be withdrawn for water supply purposes for the benefit of either the town of Chelmsford or the town of Carlisle subject to the provisions of chapter twenty-one of the General Laws and any other applicable law. The withdrawal of water shall be limited to quantities which shall not diminish the value of the resources managed by the District as a conservation, recreation, and agricultural production area.

It shall also be the intent of this act that such water usage may be developed as a regional resource serving both communities, as necessary. Users shall be charged for all costs including conservation and protection measures. Income so derived through the sale of water shall be paid to the host town in which the well is located until such bonded indebtedness for the purchase of land in the District is amortized. Income generated thereinafter shall inure to the benefit of the District in accordance with subsection (a) of section six.

(n) The Board may sue or be sued. The towns of Chelmsford and Carlisle shall jointly indemnify and hold harmless the Board for any and all suits, claims, demands, or liens arising out of, or resulting from, any loss, damage, injury, or death. Liability shall not be construed to extend

to obligations for indebtedness of the District.

SECTION 5. The District shall have a seal consisting at least of a circular disc bearing the words, Chelmsford-Carlisle Regional Conservation District. Said seal shall be used whenever deemed advisable by the Board, including on papers and documents issued or executed by the Board or by any officer or employee designated by the Board.

SECTION 6. (a) Until such time as the town of Chelmsford or the town of Carlisle retires its bonded indebtedness for the purchase of land in the District less any reimbursements received, the town of Chelmsford shall receive the proceeds from those activities occurring in the portion of the District lying in said town of Chelmsford and the town of Carlisle shall receive the proceeds from those activities occurring in the portion of the District lying in said town of Carlisle. Subsequently, a percentage of the proceeds from any activities occurring in the District shall remain with the District for a period of two years with the remainder paid to the town in which the portion of the District where the activity occurred lies. If after a two-year period such monies have not been expended to further the purposes of the District, they shall be paid to the towns of Chelmsford and Carlisle in equal proportions. The percentage of proceeds to remain with the District shall initially be twenty-five per cent. This percentage may be altered from time to time following a favorable town meeting vote in both the town of Chelmsford and the town of Carlisle and shall take effect with the next fiscal year but in no event shall it be less than twenty-five per cent unless approved by the secretary of environmental affairs.

(b) Funds shall be set forth in the annual budget. Said budget shall be guided by and limited to the scope of a land use and management plan. The plan shall generalize conservation, recreation, water supply, and agricultural goals and delineate target areas and priorities for expenditures.

SECTION 7. (a) The Board shall adopt as its initial plan the land use and management plan prepared by the towns of Chelmsford and Carlisle and accepted by the town meetings of both the town of Chelmsford and the town of Carlisle at the time of acceptance of the District. The initial plan entitled Chelmsford-Carlisle Regional Conservation District Land Use and Management Plan 1988 shall remain in effect until a new plan is adopted.

(b) After the Board has prepared a plan pursuant to section four, the Board shall hold a public hearing, subject to the provisions of chapter thirty A of the General Laws, and submit said plan to the conservation commissions of the towns of Chelmsford and Carlisle for their approval. A plan shall not go into effect without the approval of the conservation commissions of both towns.

(c) The plan may be updated periodically, but shall be reviewed and may be revised at least every five years pursuant to subsection (b). Until

a new plan is adopted the existing plan shall remain in effect.

(d) The plan shall include but not be limited to:

(1) identification of any land or interests in land designated for potential acquisition;

(2) specifics of management, leases, or sale of resources, including water and water quality, timber, and agricultural production including cranberries;

(3) specifics of pond and dike maintenance and improvement;

(4) specifics of trail maintenance and modification or expansions of trail network;

(5) any planned construction or maintenance of facilities or land development;

(6) rules and regulations for use of the property including any fees, and the enforcement thereof.

SECTION 8. Any real property within the District is hereby deemed subject to the protection of Article XCVII of the Amendments to the Constitution of the Commonwealth, in addition to any other covenants, restrictions, or other limitations imposed by deed, trust, will, or operation of law.

SECTION 9. This act shall take effect upon its acceptance by a vote at a town meeting in both the town of Chelmsford and the town of Carlisle.

Approved November 15, 1988.

Chapter 288. AN ACT RELEASING A CERTAIN PARCEL OF LAND IN THE CITY OF WOBURN FROM A LAND USE RESTRICTION IMPOSED BY THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Be it enacted, etc., as follows:

That a certain land use restriction imposed upon a certain parcel of land located in the city of Woburn, by the executive office of environmental affairs, on or about November thirtieth, nineteen hundred and seventy-eight, in connection with an urban self-help program grant, limiting the use of said real estate to park and recreational purposes only, be released from said restriction and that, hereafter, said city subject to the approval of the secretary of environmental affairs, may use said land for any other lawful public purpose. Said parcel is described as follows:

A certain parcel of land situated off Harrison Avenue Woburn, Middlesex County, Massachusetts, and being shown as Lots 2B and 3B on a Plan of Land entitled "PLAN OF LAND IN WOBURN, MASS., Prepared For: City of Woburn, Scale: 1" = 60', Date: August 27, 1987, Schofield

Brothers, Inc., Professional Engineers & Professional Land Surveyors, 1071 Worcester Road, Framingham, Mass. 01701", which Plan is recorded in the Middlesex County South District Registry of Deeds as Plan No. 1401 of 1988; said Lots 2B and 3B, in the aggregate, being more particularly bounded and described as follows:
SOUTHERLY by Harrison Avenue, as shown on said Plan, TWO HUNDRED SIXTY-SEVEN and 27/100 (267.27') feet;
WESTERLY by Lots 2A and 3A, as shown on said Plan FOUR HUNDRED FORTY-ONE and 81/100 (441.81') feet;
NORTHWESTERLY by Lot 2C as shown on said Plan, SIXTY-EIGHT and 28/100 (68.28') feet;
NORTHEASTERLY by land now or formerly of Richard E. Cail, as shown on said Plan, FIFTY-FOUR and 31/100 (54.31') feet, as shown on said Plan;
NORTHWESTERLY by land also now or formerly of Richard E. Cail, as shown on said Plan, THIRTY-TWO and 62/100 (32.62') feet;
EASTERLY by Lot 4B, as shown on said Plan FOUR HUNDRED THIRTY-TWO and 78/100 (432.78') feet.
Said Lots 2B and 3B containing, in the aggregate, one acre and 32,793 square feet of land, more or less, according to said Plan.

Approved November 15, 1988.

Chapter 289. AN ACT REGULATING THE DISCLOSURE OF CERTAIN INFORMATION BY THE ATTORNEY GENERAL.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 93A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 44 and 45, the words ", or which contains trade secret information".

SECTION 2. Said section 6 of said chapter 93A, as so appearing, is hereby further amended by inserting after the word "same", in line 51, the words:- ; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

SECTION 3. Said section 6 of said chapter 93A, as so appearing, is hereby further amended by inserting after the word "demand", in line 55, the words:- or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure.

Approved November 17, 1988.

Chapter 290. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND UNDER THE CONTROL OF THE DEPARTMENT OF MENTAL HEALTH TO THE TOWN OF WAREHAM.

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 parcel of land located in the town of Wareham, to the town of Wareham, provided said land is used for school purposes and subject to such terms and conditions as the deputy commissioner may prescribe in consultation with the department of mental health, said parcel being described as follows: The land situated in the town of Wareham between Church Avenue and Broad Marsh River consisting of 4.0 acres, more or less of upland and 3.53 acres, more or less of salt marsh and being more particularly described as follows:

Beginning at a concrete bound set near the edge of the salt marsh at the most southeasterly corner of Lot F-7 as shown on a plan entitled:

"Division of Land Prepared For Eileen W. Farley, Church Avenue, Wareham, Mass., Scale 1" = 60', July 1, 1963, Walter E. Rowley & Associates, West Wareham, Mass.", recorded in Plymouth County Registry of Deeds, Plan Book 12, Page 1139;

thence in line of Lot F-7 as shown on said plan the following three (3) courses;

N 44° -10' -00" W, a distance of 69.15 feet to a concrete bound;

N 44° -46' -10" E, a distance of 330.00 feet to a concrete bound;

S 53° -04' -50" E, a distance of 125.34 feet to an iron pipe;

thence in line of Lot F-6 as shown on said plan the following two (2) courses;

S 88° -33' -10" E, a distance of 204.58 feet to an iron pipe;

S 60° -18' -00" E, a distance of 112.68 feet to a stone bound;

thence by remaining land of the Commonwealth of Massachusetts, Department of Mental Health, S 50° -12' -10" E, a distance of 40 feet, more or less to land of the Wareham Housing Authority as shown on a plan recorded in Plymouth Registry of Deeds, as Plan No. 1164 of 1971, dated Nov. 20, 1971, Walter E. Rowley & Associates, West Wareham, Mass.;

thence in line of said Housing Authority land, S 39° -47' -50" W, a distance of 325 feet, more or less to a concrete bound;

thence continuing in the same course, a distance of 350 feet, more or less to Broad Marsh River;

thence southwesterly, southerly and northerly by Broad Marsh River, a distance of 1400 feet, more or less to a point 10 feet, more or less southwesterly of a concrete bound at the most westerly corner of Lot F-7

as shown on the first referenced plan;

thence in line of other land of the Town of Wareham, N 44° -26' -30" E, a distance of 10 feet, more or less to the last described corner of Lot F-7;

thence in line of Lot F-7 the following four (4) courses;

S 56° -29' -30" E, a distance of 120.60 feet;

S 74° -09' -50" E, a distance of 182.31 feet;

S 63° -30' -20" E, a distance of 198.52 feet;

S 69° -36' -00" E, a distance of 79.82 feet to the concrete bound first mentioned and point of beginning.

SECTION 2. No deed conveying the property described in section one shall contain a provision that said property be used for construction of a public school.

SECTION 3. In consideration for the land to be conveyed under the provisions of section one, the town of Wareham shall convey by deed approved by the attorney general land to be agreed upon by said town of Wareham and the department of mental health, in consultation with the deputy commissioner.

SECTION 4. The town of Wareham shall assume the costs of any appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the granting of this conveyance.

Approved November 17, 1988.

Chapter 291. AN ACT FURTHER REGULATING EXECUTIVE SESSIONS OF GOVERNMENTAL BODIES.

Be it enacted, etc., as follows:

Section 23B of chapter 39 of the General Laws is hereby amended by inserting after the word "body", in line 50, as appearing in the 1986 Official Edition, the words:- , to conduct strategy sessions in preparation for negotiations with nonunion personnel.

Approved November 18, 1988.

Chapter 292. AN ACT RELATIVE TO PROPERTY TAX ABATEMENTS FOR ELDER CITIZENS.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws is hereby amended by inserting after clause Seventeenth C, as appearing in the 1986

Official Edition, the following clause:-

Seventeenth C 1/2. Real estate, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a surviving spouse or of any minor whose parent is deceased, occupied by such spouse, or minor as her or his domicile, or a person or persons over the age of seventy who has owned and occupied it as a domicile for not less than ten years; provided, however, that the whole estate, real and personal of such spouse, person or minor does not exceed in value the sum of forty thousand dollars, exclusive of property otherwise exempt under clauses Twelfth, Twentieth and Twenty-first, exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate and exclusive of the first one hundred and fifty thousand dollars in value of real estate occupied by such person as his domicile. No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such spouse, person or minor to evade taxation. A spouse, person or minor aggrieved by any such judgment may appeal to the county commissioners or to the appellate tax board within the time and in such manner allowed by section sixty-four or sixty-five, as the case may be. Any exemption under this clause, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due may be apportioned among the persons whose title to the real estate was acquired under the provisions of section three of chapter one hundred and ninety and who qualify for an exemption under this clause. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause Seventeenth shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement granted to such city or town under said clause Seventeenth for the most recent fiscal year in which it received such reimbursement.

SECTION 2. The provisions of this act shall take effect upon its passage and shall apply to all fiscal years beginning on or after July first, nineteen hundred and eighty-seven.

Approved November 22, 1988.

Chapter 293. AN ACT RELATIVE TO THE PAYMENT OF LATE CHARGES ON CERTAIN SECURED MORTGAGE NOTES.

Be it enacted, etc., as follows:

Section 59 of chapter 183 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word

"first", in line 2, the words:- or subordinate.

Approved November 25, 1988.

Chapter 294. AN ACT ESTABLISHING A PROCEDURE FOR THE DISPOSAL OF CERTAIN KILLED DEER.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 131 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "trapping", in line 3, the words:- from permit fees under the provisions of section twenty-two A.

SECTION 2. Said chapter 131 is hereby further amended by inserting after section 22 the following section:-

Section 22A. Notwithstanding the provisions of sections twenty-two, twenty-three and twenty-four, the director, with the approval of the fisheries and wildlife board, may make, alter, amend and rescind rules and regulations relative to the disposition of deer killed by means other than sport hunting. Such rules and regulations shall include, but not be limited to, the procedures for acquiring and possessing such deer, categories of persons authorized to acquire and possess such deer, and procedures and time limits for timely and accurate administration of such disposition. The director is hereby authorized to issue a permit, the cost of which shall not exceed twenty-five dollars, to each person authorized to possess such deer, and each such deer or carcass thereof shall be tagged with an official seal, of such a nature and in such a manner as the director shall prescribe. Fees accrued under this section shall be deposited in the Inland Fisheries and Game Fund, pursuant to the provisions of section two. Any deer killed by means other than sport hunting and not acquired by an individual under provisions of this section shall be disposed of by the director of law enforcement in the best interest of the commonwealth, including but not limited to, donations to civic associations, sportsmen's clubs, and churches. The commonwealth or any of its subdivisions or any employee thereof shall not assume liability for any acts leading to or arising from disposition of deer under this section.

SECTION 3. Section 72 of said chapter 131, as so appearing, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:- A person shall not have in his possession or under his control in any motor vehicle or transport the carcass of a deer except as provided in rules and regulations promulgated by the director.

Approved November 25, 1988.

Chapter 295. AN ACT RELATIVE TO FALSE HEALTH CARE CLAIMS.

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 175G the following chapter:-

CHAPTER 175H.

FALSE HEALTH CARE CLAIMS.

Section 1. As used in this chapter the following words shall have the following meanings, unless the context otherwise requires:-

"False", wholly or partially false, fictitious, fraudulent, untrue or deceptive.

"Health care benefit", a payment for health care services or the right under a contract or a certificate or policy of insurance to have a payment made by a health care corporation or health care insurer for a specified health care service.

"Health care corporation", a nonprofit hospital service corporation organized pursuant to chapter one hundred and seventy-six A, a nonprofit medical service corporation organized pursuant to chapter one hundred and seventy-six B, a medical service corporation organized pursuant to chapter one hundred and seventy-six C, a dental service corporation organized pursuant to chapter one hundred and seventy-six E, an optometric service plan organized pursuant to chapter one hundred and seventy-six F, and a health maintenance organization organized pursuant to chapter one hundred and seventy-six G.

"Health care insurer", any insurance company authorized to provide health insurance in this state or any legal entity which is self-insured and providing health care benefits to its employees.

"Person", an individual, corporation, partnership, association, or any other legal entity.

Section 2. Any person who (1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for a payment of a health care benefit; or (2) knowingly and willfully presents or causes to be presented an application for a health care benefit containing any false statement or representation of a material fact; or (3) knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to a health care benefit, including whether goods or services were medically necessary in accordance with professionally accepted standards; or (4) having knowledge of the occurrence of any event affecting his initial or continued right to any health care benefit, conceals or fails to disclose such an event with an intent to fraudulently secure such benefit either in a greater amount than is due or when no such benefit is due; or (5) having knowledge of the occurrence of any event affecting the health care benefit of any other individual in whose

behalf he has made or presented an application for such benefit, or in whose behalf he is receiving any health care benefit, conceals or fails to disclose such an event with an intent to fraudulently secure such benefit either in a greater amount than is due or when no such benefit is due, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in a jail or house of correction for not more than two and one-half years or in the state prison for not more than five years, or by both such fine and imprisonment, and may be held liable in a civil action under section seven. Notwithstanding the foregoing, a person who is not a provider of services for which a health care benefit may be paid shall not be subject to prosecution hereunder for any statement or representation which such person makes without fraudulent intent.

Section 3. Any person who solicits or receives any remuneration, directly or indirectly, overtly or covertly, in cash or in kind in return for purchasing, leasing, ordering or arranging for or recommending purchasing, leasing, or ordering of any good, facility, service, or item for which payment is or may be made in whole or in part by a health care insurer, or any person who offers or pays any remuneration, including any bribe or rebate, directly or indirectly, overtly or covertly, in cash or in kind to induce any person to purchase, lease, order or arrange for or recommend purchasing, leasing or ordering of any good, facility, service, or item for which payment is or may be made in whole or in part by a health care insurer, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in a jail or house of correction for not more than two and one-half years or in the state prison for not more than five years, or by both such fine and imprisonment, and may be held liable in a civil action under section seven.

Section 4. Any criminal proceeding brought under this chapter may be filed in the district, municipal or superior courts of Suffolk county.

Section 5. The attorney general may conduct an investigation of an alleged violation of this chapter and may commence a proceeding pursuant to section four.

Section 6. A person who receives a health care benefit or payment from a health care corporation or health care insurer which such person knows that he or she is not entitled to receive or be paid, or a person who knowingly presents or causes to be presented with fraudulent intent a claim which contains a false statement, shall be liable to the health care corporation or health care insurer for the full amount of the benefit or payment made, and for reasonable attorneys fees and costs, inclusive of costs of investigation.

A health care corporation or health care insurer may bring a civil action under this chapter in the superior court department of the trial court.

Section 7. Any person convicted of a violation of sections two or three, in addition to any fines or sentences imposed, including any order of probation, shall be ordered to make restitution to a health care corporation or health care insurer for the full amount of the benefit or payment made, and for reasonable attorneys fees and costs, inclusive of

costs of investigation.

Section 8. The remedies provided for in this chapter are in addition to any other remedies provided by law.

Approved November 25, 1988.

Chapter 296. AN ACT FURTHER REGULATING ELECTION LAWS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 34A 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. Every county, except Barnstable county, shall have the power to adopt a charter or to revise an existing charter in accordance with procedures prescribed by this chapter. This chapter shall not limit any charter adoption or revision procedures allowed by prior law or the Constitution of the Commonwealth of Massachusetts.

SECTION 2. The second paragraph of section 7 of said chapter 34A, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentence:- If any member dies, resigns or ceases to be a registered voter of such county or the district of such county from which such member was elected, or if there is a failure to elect any member, the remaining members of the charter commission shall fill the vacancy by choosing a registered voter of such county or district, respectively.

SECTION 3. Said chapter 34A is hereby further amended by striking out section 14, as amended by section 6 of chapter 484 of the acts of 1987, and inserting in place thereof the following section:-

Section 14. (a) The charter may be revised in the same manner as provided for in its original adoption by section three.

(b) A petition for the adoption or revision of a charter shall conform with the requirements of subsection (c) and shall have a sentence in substantially the following form at the top of each page.

Each of the undersigned requests that the county revise its present charter or adopt a new charter, and each of the undersigned certifies that he is a registered voter of said county whose residence addresses at the times set forth below were as shown below, and that he has not signed this petition more than once.

(c) The state secretary shall prescribe the form of all petitions under this chapter. Section seven of chapter fifty-three shall apply to all such petitions. No petition shall contain or be accompanied by any indication of party or political designation.

(d) Duplicate certificates shall be prepared setting forth any charter revisions approved, and shall be signed by the state secretary. One such

certificate shall be deposited in the office of the state secretary and another shall be recorded in the records of the county and deposited among its archives. All courts may take judicial notice of the charter and charter revisions of the county.

The executive body of the county shall, at intervals of not greater than ten years, cause the charter of said county as revised to be reprinted for distribution to such registered voters of said county as may apply therefor at the office of the executive body of the county. Acts of the general court which are included in such charter may be referred to by appropriate subject headings and statutory citations instead of being set forth at length. Copies of said document may be sold at a price not to exceed the cost of paper, printing and binding thereof, plus mailing charges if any, as determined by the county executive body.

(e) A new charter or charter revision approved by a majority of the voters of the county voting thereon shall take effect on the day specified in such charter or revision. If two or more charter adoption or revision proposals are submitted to the voters in the alternative and are approved, only the alternative proposal receiving the highest number of affirmative votes shall take effect. If two or more charter adoption or revision proposals containing conflicting provisions are submitted to the voters, but not as alternatives, and are approved, all such proposals shall take effect, but the proposal receiving the highest number of affirmative votes shall be construed to prevent all conflicting provisions contained in other proposals from taking effect.

SECTION 4. The last paragraph of section 38 of chapter 43 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:- Section seven of chapter fifty-five B shall apply to such objections, and the board of registration of voters shall transmit a copy of its decision to the city council or school committee.

SECTION 5. Section 42 of said chapter 43, as so appearing, is hereby amended by striking out, in lines 18 and 19, the words ", with the exception of the last paragraph,"

SECTION 6. Section 4 of chapter 43A of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Other than the officers designated in the by-laws of the town 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 admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town, and which will cause the total elected membership to be as nearly two hundred and forty as may be.

SECTION 7. Section 15 of chapter 43B of the General Laws, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The state secretary shall prescribe the form of all petitions under this chapter. Section seven of chapter fifty-three shall apply to all such petitions. No petition shall contain or be accompanied by any indication of party or political designation.

SECTION 7A. Section 29B of chapter 51 of the General Laws, as so appearing, is hereby amended by striking out the last sentence.

SECTION 7B. Section 30 of said chapter 51, as so appearing, is hereby amended by striking out the last sentence.

SECTION 8. Section 32 of said chapter 51, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Registrars shall seasonably post or publish notices stating the places and hours for holding all sessions, including the final sessions preceding any election.

SECTION 9. Section 33 of said chapter 51, as amended by chapter 79 of the acts of 1988, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In cities, and in towns having six hundred or more registered voters, any person shall be registered, as aforesaid, or may apply for qualification for voting under section one A, during regular business hours.

SECTION 10. Section 34 of said chapter 51, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words "as a voter until after" and inserting in place thereof the words:- to vote in.

SECTION 10A. Section 37 of said chapter 51, as so appearing, is hereby amended by striking out the last sentence.

SECTION 10B. The first paragraph of section 42B of said chapter 51, as so appearing, is hereby amended by striking out the last sentence.

SECTION 11. Section 3 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "within thirteen days following five o'clock post meridian on the day said primary was held" and inserting in place thereof the following words:- not later than five o'clock post meridian of the thirteenth day after a regular state primary and the sixth day after a special state primary.

SECTION 12. Section 14 of said chapter 53, as so appearing, is hereby amended by striking out, in line 17, the words "or death" and inserting in place thereof the words:- , death or ineligibility.

SECTION 13. Section 40 of said chapter 53, as so appearing, is hereby amended by striking out, in line 2, the words "and whose name is not" and inserting in place thereof the words:- if no candidate's name is.

SECTION 14. The fifth paragraph of section 48 of said chapter 53, as appearing in section 2 of chapter 438 of the acts of 1987, is hereby amended by inserting after the word "primary", in line 6, the words:- , or is a newly registered voter of the city or town enrolled in the political party.

SECTION 15. The first paragraph of section 70E of said chapter 53, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words ", under separate headings, and in the following order,".

SECTION 16. The first paragraph of section 2 of chapter 54 of the General Laws is hereby amended by striking out the last sentence, inserted by section 1 of chapter 115 of the acts of 1987, and inserting in place thereof the following sentence:- For the purposes of dividing a city into wards and precincts under this section and of apportioning representation in any elected municipal body, 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 17. The second paragraph of section 6 of said chapter 54 is hereby amended by striking out the last sentence, inserted by section 2 of said chapter 115, and inserting in place thereof the following sentence:- For the purpose of dividing a town into precincts under this section and of apportioning representation in any elected municipal body, 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.

SECTION 18. Section 26 of said chapter 54, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 4, the words "and counting apparatus".

SECTION 19. Section 33 of said chapter 54, as so appearing, is hereby amended by striking out, in line 29, the word "ninety" and inserting in place thereof the words:- one hundred and twenty.

SECTION 20. Section 33H of said chapter 54, as so appearing, is hereby amended by striking out, in lines 29 and 30, the words "absentee ballot and"

SECTION 21. Said chapter 54 is hereby further amended by striking out section 39, as so appearing, and inserting in place thereof the following section:-

Section 39. When an electronic voting system, voting machines or ballot boxes are purchased by the commonwealth or by a city or town, the persons of whom the purchase is made shall give to the state secretary, city or town clerk or election commissioners, as the case may be, a bond with sufficient sureties to keep such system, machines or ballot boxes in working order for two years. Such persons shall also give a bond with sufficient sureties, conditioned to defend and indemnify the commonwealth or cities and towns purchasing, leasing or using the system, machines or ballot boxes against any legal action and for any expense, damage or inconvenience which they may incur or suffer by reason of any suit brought against them for infringement of patents or other rights, arising from the purchase, lease, or use of such system, machines or ballot boxes.

SECTION 22. Section 42 of said chapter 54, as so appearing, is hereby amended by striking out, in line 44, the words "together with" and inserting in place thereof the following words:- and, if the content of the ballot differs within a city or town.

SECTION 23. Subsection (a) of section 19 of chapter 55 of the General Laws, as so appearing, is hereby amended by striking out, in line 108, the words "and insolvency".

SECTION 24. Said chapter 55B of the General Laws, as so appearing, is hereby further amended by striking out, in line 6, the word "and", the first time it appears, and inserting in place thereof the words:- , which may include tape recording, and.

SECTION 25. The second paragraph of section 4 of said chapter 55B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The commission shall have no jurisdiction with respect to public policy questions, nor city or town candidates and ballot questions, except city initiative petitions authorized under section thirty-eight of chapter forty-three.

SECTION 26. Section 5 of said chapter 55B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Objections to certificates of nomination, nomination papers, and withdrawals for candidates at a presidential primary and for candidates for presidential elector, senator in congress, representative in congress,

governor, lieutenant governor, attorney general, treasurer and receiver general, state auditor, state secretary, representative in the general court, senator in the general court, councillor, and county offices at a state primary or at a state election shall be filed with the state secretary within seventy-two hours succeeding five o'clock post meridian of the last day fixed for filing such nomination papers or withdrawals.

SECTION 27. Said chapter 55B is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. Objections to certificates of nomination, nomination papers, or withdrawals for city offices, or to petitions for local ballot questions shall be filed with the city clerk within two working days of the last day fixed for filing such nomination papers, withdrawals, or petitions, or of the day on which certification of the names on a petition must be completed, whichever is later, except where city charters provide otherwise. Objections to certificates of nomination, nomination papers or withdrawals for town offices, or to petitions for local ballot questions, shall be filed with the town clerk within two working days of the last day fixed for filing such nomination papers, withdrawals, or petitions, or of the day on which certification of the names on a petition must be completed, whichever is later, except where town charters provide otherwise.

Objections filed with the city or town clerk shall forthwith be transmitted by him to the board authorized to hear such objections as provided under this section.

Objections in cities, except in the city of Boston, shall be considered by the board of registrars of voters and the city solicitor. Objections in towns shall be considered by the board of registrars of voters. Boards in cities and towns may, at hearings on such objections, summon witnesses, administer oaths and require the production of books, records and papers. Such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default, as witnesses in civil cases before the courts. A summons may be signed, and an oath may be administered by any member of such board.

When such objection has been filed, notice thereof shall be sent forthwith by registered or certified mail, return receipt requested, by the city or town clerk to the candidates affected thereby, addressed to their residences as given in the certificate of nomination or nomination papers, and to any party committee interested in the nomination to which such objection has been made; or in the case of local ballot questions to the first five names appearing on the petition or any other persons designated as sponsors of the petition. If more candidates bearing the same designation are nominated for an office, otherwise than by nomination papers, than are to be elected thereto, such boards shall determine the candidates, if any, entitled to such designation. Such boards shall render a decision on any matter referred to them, pertaining to certificates of nomination or nomination papers or to petitions for local ballot questions

for any regular or special city or town primaries or any regular or special city or town election, or to withdrawals of nomination therefor, not later than four days after the last day fixed for filing objections to such certificates, papers, petitions, or withdrawals, as the case may be, under this chapter. But such decision need not be rendered until fourteen days after the last day fixed for filing objections to a petition, if the timing of such decision will not thereby prevent the question from qualifying for the ballot not later than thirty days before any previously scheduled election at which the question could appear. In the event that any such board fails to render within the aforesaid period its decision on any matter so referred, the city or town clerk shall, notwithstanding such failure, proceed forthwith to cause to be printed the ballots for such primaries or elections.

SECTION 28. Said chapter 55B is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. Hearings on objections to certificates of nomination or nomination papers, except for special primaries and elections, shall not be held prior to the second Monday following the Friday for filing such objections.

Hearings on objections to signatures on initiative or referendum petitions shall not be held prior to the second Monday following the last day for filing such objections.

Hearings on objections to supplemental signature filings for initiative petitions shall not be held prior to the first Wednesday following the last day for filing such objections.

Hearings on objections to nominations at regular state primaries shall not be held prior to the Monday following the last day for filing such objections.

SECTION 29. Chapter 56 of the General Laws is hereby amended by striking out section 59, as so appearing, and inserting in place thereof the following section:-

Section 59. The supreme judicial court and the superior court department of the trial court shall have jurisdiction of civil actions to enforce the provisions of chapters fifty to fifty-six, inclusive, and may award relief formerly available in equity or by mandamus. The supreme judicial court shall also have jurisdiction of any civil action relative to the division of the commonwealth into congressional, councillor, senatorial, and representative districts in chapter fifty-seven, but every such action shall be filed within thirty days after the act establishing such districts has the force of a law.

SECTION 30. Section 43 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 31. Chapter 801 of the acts of 1985 is hereby amended by

striking out section 2 and inserting in place thereof the following section:–

Section 2. Barnstable county shall have the power to adopt a charter or to revise an existing charter in accordance with procedures prescribed by this act. This act shall not limit any charter adoption or revision procedures allowed by prior law or the Constitution of the Commonwealth of Massachusetts.

SECTION 32. The second paragraph of section 7 of said chapter 801 is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentence:– If any member dies, resigns or ceases to be a registered voter of the town from which such member was elected, or if there is a failure to elect any member, the selectmen of the town shall fill the vacancy by choosing a registered voter of such town.

SECTION 33. Said chapter 801 is hereby further amended by striking out section 14 and inserting in place thereof the following section:–

Section 14. Subsequent Charter Revisions

(a) The charter may be revised in the same manner as provided for in its original adoption by section three.

(b) A petition for the adoption or revision of a charter shall conform with the requirements of subsection (c) and shall have a sentence in substantially the following form at the top of each page:

Each of the undersigned requests that Barnstable county revise its present charter or adopt a new charter, and each of the undersigned certifies that he is a registered voter of said county whose residence addresses at the times set forth below were as shown below, and that he has not signed this petition more than once.

(c) The state secretary shall prescribe the form of all petitions under this act. Section seven of chapter fifty-three of the General Laws shall apply to all such petitions. No petition shall contain or be accompanied by any indication of party or political designation.

(d) Duplicate certificates shall be prepared setting forth any charter revisions approved, and shall be signed by the state secretary. One such certificate shall be deposited in the office of the state secretary and another shall be recorded in the records of the county and deposited among its archives. All courts may take judicial notice of the charter and charter revisions of the county.

The executive body of the county shall, at intervals of not greater than ten years, cause the charter of said county as revised to be reprinted for distribution to such registered voters of said county as may apply therefor at the office of the executive body of the county. Acts of the general court which are included in such charter may be referred to by appropriate subject headings and statutory citations instead of being set forth at length. Copies of said document may be sold at a price not to exceed the cost of paper, printing and binding thereof, plus mailing charges if any, as determined by the county executive body.

(e) A new charter or charter revision approved by a majority of the voters of the county voting thereon shall take effect on the day specified in such charter or revision. If two or more charter adoption or revision proposals are submitted to the voters in the alternative and are approved, only the alternative proposal receiving the highest number of affirmative votes shall take effect. If two or more charter adoption or revision proposals containing conflicting provisions are submitted to the voters, but not as alternatives, and are approved, all such proposals shall take effect, but the proposal receiving the highest number of affirmative votes shall be construed to prevent all conflicting provisions contained in other proposals from taking effect.

Approved November 25, 1988.
EMERGENCY LETTER: December 7, 1988 @ 2:18 PM

Chapter 297. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF KINGSTON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of elective office may be recalled therefrom by the registered voters of the town of Kingston as herein provided.

SECTION 2. Any one hundred registered voters of the town of Kingston 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 for recall. Said town clerk shall, within five days certify thereon the number of signatures which are names of registered voters of the town. The town clerk shall upon certification deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which shall be kept available. The blanks shall be issued by the town clerk with the clerk's signature and official seal attached thereto. They shall be dated, shall be addressed to the board of selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to 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-one days after the certification of the affidavit, and shall have been signed by a least twenty per cent of the registered voters of the town, 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 fourteen 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 board of selectmen without delay, and said board shall, within seven 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 nor more than ninety days after the date of the town clerk's certification that a sufficient petition has been filed; provided however, that if any other town election is to occur within one hundred days after date of certification, 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 sought to be removed may be a candidate to succeed himself and, unless the officer 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 office until the recall election. If then re-elected, they shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, the officer shall be deemed removed upon the qualification of their successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of their election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election 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 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 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 affidavit shall be filed against an officer within six months after he takes office, nor, in the case of an officer subject to

a recall election and not recalled thereby, until at least six months after the election at which their recall was submitted to the voters.

Approved November 25, 1988.

Chapter 298. AN ACT MAKING CERTAIN CORRECTIVE CHANGES RELATIVE TO TERMS OF CERTAIN BONDS AND NOTES.

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-eight, 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 11 of chapter 165 of the acts of 1988 is hereby amended by striking out, in lines 2 and 3, the words "section nine of House No. 6040 or any act resulting therefrom" and inserting in place thereof the following words:- section six of chapter two hundred and eight of the acts of nineteen hundred and eighty-eight.

SECTION 2. Section 12 of said chapter 165 is hereby amended by striking out, in lines 2 and 3, the words "section ten of House No. 6040 or any act resulting therefrom" and inserting in place thereof the following words:- section seven of chapter two hundred and eight of the acts of nineteen hundred and eighty-eight.

SECTION 3. Section 13 of said chapter 165 is hereby amended by striking out, in lines 2 and 3, the words "section forty-eight of House No. 6040 or any act resulting therefrom" and inserting in place thereof the following words:- section twenty-eight of chapter two hundred and eight of the acts of nineteen hundred and eighty-eight.

SECTION 4. Section 15 of said chapter 165 is hereby amended by striking out, in lines 2 and 3, the words "section twenty-eight of House No. 6040, or any act resulting therefrom" and inserting in place thereof the following words:- section twenty-eight of chapter two hundred and three of the acts of nineteen hundred and eighty-eight.

SECTION 5. This act shall take effect as of August second, nineteen hundred and eighty-eight.

Approved November 29, 1988.

Chapter 299. AN ACT DESIGNATING A CERTAIN SECTION OF U.S. HIGHWAY ROUTE 44 AS THE JOHN AND MAE PARKER HIGHWAY.

Be it enacted, etc., as follows:

SECTION 1. The portion of United States highway route 44 in the towns of Seekonk, Rehoboth, Dighton, and Raynham and in the city of Taunton from the Rhode Island state line to the intersection with state highway route 24, shall be designated and known as the John and Mae Parker highway, in honor of Senator and Mrs. John F. Parker. The department of public works shall erect suitable markers along said highway bearing said designation in compliance with the standards of said department and as authorized by the federal highway administration.

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

Approved November 30, 1988.

Chapter 300. AN ACT AUTHORIZING THE CONTINUING EMPLOYMENT OF ANTHONY ZANGLA, A COURT OFFICER IN SUFFOLK COUNTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize Anthony Zangla to continue his employment as a court officer, 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:

Notwithstanding the provisions of section seventy-two of chapter two hundred and twenty-one of the General Laws or of any other general or special law to the contrary, Anthony Zangla, a court officer of the superior court department of the trial court of Suffolk is hereby authorized to continue in such position, provided he is mentally and physically capable of performing the duties of his office or position. Said Anthony Zangla shall annually, at his own expense, be examined by an impartial physician designated by the state retirement board to determine such capability.

Approved November 30, 1988.

Chapter 301. AN ACT FURTHER REGULATING THE SCHOOL BUILDING ASSISTANCE PROGRAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the school building assistance 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 20 of chapter 645 of the acts of 1948, as appearing in section 2 of chapter 746 of the acts of 1987, is hereby amended by adding the following paragraph:-

The provisions of the last sentence of section four shall not apply to any capital construction project for which a city, town, or regional school district has solicited construction bids on or before November fifteenth, nineteen hundred and eighty-eight; provided, however, that all documents required to be submitted in connection with such capital construction projects pursuant to the applicable regulations shall be on file with the board before such construction is undertaken; and provided, further, that notwithstanding the provisions of section thirteen, in the case of any such approved capital construction project on which construction is undertaken prior to board approval, payments for said project shall begin in the fiscal year next following the fiscal year in which the project receives board approval.

Approved November 30, 1988.

Chapter 302. AN ACT RELATIVE TO THE INSURERS INSOLVENCY FUND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175D 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. This chapter shall apply to all kinds of direct insurance, except life, accident and health, title, surety, disability credit, mortgage guaranty, financial guaranty or other forms of insurance offering protection against investment risks, insurance of warranties of any type of service contracts and ocean marine insurance.

SECTION 2. Section 4 of said chapter 175D, as so appearing, is hereby amended by inserting after the word "commissioner", in line 5, the words:- ; provided, however, that at least one member of the board shall be appointed by the commissioner as a representative of insurance producers.

SECTION 3. Paragraph (1) of section 5 of said chapter 175D, as so appearing, is hereby amended by striking out clause (a) and inserting in

place thereof the following clause:-

(a) be obligated to the extent of the covered claims against the insolvent insurer existing prior to the declaration of insolvency and arising within sixty days after the declaration of insolvency, or before the policy expiration date if less than sixty days after the declaration, or before the insured replaces the policy or requests cancellation, if he does so within sixty days of the declaration, but such obligation shall include only that amount of each covered claim which is less than three hundred thousand dollars.

Approved November 30, 1988.

Chapter 303. AN ACT RELATIVE TO THE CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE ACT OF 1988.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 167F of the General Laws is hereby amended by striking out paragraph 16, as appearing in the 1986 Official Edition, and inserting in place thereof the following paragraph:-

16. To purchase by itself or with other banks group life insurance on the lives of debtors who request such insurance. The premium for such insurance, or the premium on an individual life insurance policy held to cover the indebtedness, may be added to the payments required of those who elect to become insured. In the event of the death of any debtor so insured, the insurance proceeds shall be applied to reduce or extinguish the unpaid indebtedness to the extent of such payment. No trustee, director, officer or employee of such bank shall benefit financially, directly or indirectly from the sale of such insurance;.

SECTION 2. Paragraph 17 of said section 2 of said chapter 167F, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

To purchase by itself or with other banks group accident and health insurance covering debtors of such bank or group of banks if the debtors request such insurance. Such insurance shall cover all or part of the indebtedness of such debtors. The premium for such insurance, or the premium on an individual accident and health insurance policy held to cover the indebtedness, may be added to the payments required of any such debtor who elects to become insured. No trustee, director, officer or employee of such bank or group of banks shall benefit financially, directly or indirectly from the sale of such insurance;.

SECTION 3. The first sentence of subdivision (A) of section 110 of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out clause (j) and inserting in place thereof the following clause:-

(j) a bank, association, financial or other institution, vendor, or to a parent holding company, or to the trustee, trustees or agent designated by one or more banks, associations, financial or other institutions, or vendors under which debtors, guarantors or purchasers are insured against loss of time resulting from disease or specified bodily injuries, in an amount with respect to each obligation not to exceed the lesser of the total of the scheduled payments on the obligation, or forty thousand dollars of principal obligation plus finance charges; provided, however, that no person shall be insured under any said policy for a period of more than fifteen years with respect to each said obligation; provided, further, that where the coverage is for less than the full amount of said obligation, the periodic benefit payment shall cover either the full amount of each periodic payment on said obligation or the maximum periodic benefit set forth in said policy until the maximum aggregate benefit of said policy is reached; and provided, further, that said forty thousand dollar limitation and said fifteen year period limitation contained in this clause shall not apply to said insurance for which no identifiable charge is made to the debtor, co-debtor or guarantor.

SECTION 4. Said chapter 175 is hereby further amended by inserting after section 117B the following section:-

Section 117C. (a) The following method of determination of premium rates with respect to credit life insurance and credit accident and health insurance is required only for such insurance written in connection with obligations, other than loans secured by first liens on real property, which are subject to section twelve G of chapter two hundred and fifty-five, section ten of chapter two hundred and fifty-five B, section fourteen A of chapter two hundred and fifty-five C, or subsection C of section twenty-six of chapter two hundred and fifty-five D, for which an identifiable charge is paid by insured persons.

(b) The following are the procedures for determining the maximum premium rates permitted to be charged any account:

A. Rate Review.

(1) Minimum loss ratio test: Benefits will be considered reasonable in relation to the premium charged if the loss ratio equals or exceeds or is reasonably expected to equal or exceed the minimum loss ratio standard specified below. The minimum loss ratio standard is:

(i) for credit life insurance, fifty per cent and

(ii) for credit accident and health insurance, fifty-five per cent.

In applying the minimum loss ratio test, the commissioner shall make appropriate adjustment to account for differences in loss ratios that may be expected on single premium credit life insurance plans resulting from changes in the benefit structure.

(2) When deviated rates are in use: If an insurer has deviated rates approved under clauses (1) and (2) of paragraph C, the reasonableness of rates for those accounts will be determined by paragraph C.

(3) Frequency of rate review:

(i) The rate review will be made each year for all classes of business

except for motor vehicle dealers.

(ii) The rate review will be made every three years for the motor vehicle dealers class of business.

B. Use of Nominal Rates.

An insurer that has filed rates which are equal to or lower than the nominal rates may retain on file and use those rates without further proof of their reasonableness while the experience of the insurer in this commonwealth for the accounts to which they are applied continues to satisfy the minimum loss ratio test specified in paragraph A.

C. Use of deviated rates.

(1) Use of rates higher than nominal rates:

If the minimum loss ratio test produces a loss ratio that exceeds the minimum loss ratio standard, the insurer may file for approval and use rates that are higher than the nominal rates computed on a basis equivalent to that in clause (2) of paragraph D.

(2) Use of rates lower than nominal rates:

If the minimum loss ratio test produces a loss ratio that is lower than the minimum loss ratio standard, the insurer shall file adjusted rates that can be expected to produce a loss ratio that will satisfy the minimum loss ratio test or that are computed on a basis equivalent to that in clause (2) of paragraph D.

(3) Determination of deviated rates for all classes of business except for motor vehicle dealers:

If deviated rates are to be filed under clauses (1) or (2), the insurer may file rates for approval that will be:

(i) Applied uniformly to all accounts of the insurer;

(ii) Applied on an equitable basis approved by the commissioner to only one or more accounts of the insurer for which the experience has been more favorable or less favorable than expected; or

(iii) Applied according to a case rating procedure on file with the commissioner. An insurer electing to file a case rating procedure may either file its own plan for the approval of the commissioner or may use the standard case rating procedure specified herein by notice to him.

(4) Determination of deviated rates for the motor vehicle dealers class of business:

(i) The motor vehicle dealers class of business case rate for each plan of insurance shall be the nominal rates until the effective date of the appropriate deviated case rate for each plan of insurance as provided for in subclause (ii).

(ii) The commissioner shall on or before October first, nineteen hundred and eighty-nine, aggregate the combined experience of all insurers for the motor vehicle dealers class of business for the three preceding calendar years, compute the appropriate deviated case rate according to paragraph D, for each plan of insurance for said class of business for all said insurers combined, according to subclause (ii) of clause (1) of said paragraph D. The commissioner shall send by first class mail, mailed on the same day, written notice to all insurers of said appropriate deviated case rate for each plan of insurance that shall apply to said class of

business from ninety days after the date of the mailing of said written notice, but not later than January first, nineteen hundred and ninety, until midnight December thirty-first, nineteen hundred and ninety-two.

(iii) The commissioner shall on or before October first, nineteen hundred and ninety-two, and each three years thereafter on or before October first, aggregate the combined experience of all insurers for the motor vehicle dealer class of business for the three preceding calendar years, compute the appropriate deviated case rate, according to said paragraph D, for each plan of insurance for said class of business for all said insurers combined according to subclause (ii) of clause (1) of said paragraph D and shall send by first class mail written notice to all insurers of said appropriate deviated case rate for each plan of insurance that shall apply to said class of business for the succeeding three calendar years beginning January first, nineteen hundred and ninety-three, and each three years thereafter on January first.

The rate for each account which has been deviated must be redetermined on the same basis thereafter or until the rate for the account is no longer deviated.

D. Use of rates determined by standard case rating procedure.

An insurer, by written notice to the commissioner of its election to do so, may file and use premium rates determined by this standard case rating procedure. If elected, the procedure will be used by the insurer to rate all of its credit insurance in this commonwealth. Once elected, the procedure will remain in effect for the insurer until a different procedure has been filed with the commissioner and approved by him.

(1) Determination of case rate:

An insurer may use a rate for an account not greater than the case rate for that account as follows:

(i) Single account cases and multiple account cases:

If the account is within the definition of a single account case or of a multiple account case as filed by the insurer, the case rate for the account or for each account comprising a multiple account case will be determined by the formula set forth in clause (2).

(ii) Pooled account cases:

If the account is in a pooled account case, the case rate for each account comprising the case will be the case rate for that pooled account case as determined by the formula set forth in said clause (2).

(iii) New accounts without experience:

If a new account of an insurer has no experience in this commonwealth, the case rate for the account will be the nominal rate shown in clause (14) of paragraph G unless a different case rate is approved for the account by the commissioner.

(2) Calculation of case rate:

(i) Symbols and Definitions

NR = Nominal Rate

ALR = Actual Loss Ratio for case at Nominal Rate Basis

ELR = Minimum Loss Ratio Standard of clause (1) of paragraph A.

Z = Credibility Factor for Case

CLR = Credibility Adjusted Case Loss Ratio at Nominal Rate Basis = (Z x ALR) + ((1 - Z) x ELR)

E = Expense Loading in nominal rate = (1 - ELR) x NR

NCR = New Case Rate

(ii) New Case Rate

For credit accident and health insurance where CLR is greater than ELR:

NCR = NR (1 + 1.1 (CLR - ELR))

For all other credit accident and health insurance and for all credit life insurance:

NCR = (NR x CLR) + E

(3) Minimum changes:

If the new case rate does not differ by more than five per cent from the current case rate, the new case rate will be the current case rate.

(4) Case rate period:

A case rate will be in effect for a period of time not longer than the experience period used to establish the case rate, i.e. one year, two years or three years. An insurer may file for a new case rate before the end of a case rate period, but not more often than once during any twelve month period. A case rate for motor vehicle dealers will be in effect for a period of time not less than three years.

(5) Change of insurers:

If a creditor changes insurers, the case rate in effect for his account on the date of the change will continue to be in effect for the account with the succeeding insurer for the remainder of the case rate period or until a new case rate for his account is established if sooner.

E. Filing of Rates.

An insurer who has elected to file higher rates under clause (1) of paragraph C or who is required to file reduced rates under clause (2) of said paragraph C, or who has elected the standard case rating procedure, shall also file a new schedule of rates as determined by said clauses (1) and (2) of said paragraph C. If the commissioner does not disapprove the new schedule of rates within thirty days after receipt of the filing, rates not higher than the new rates shall be placed in effect not later than the first day of the fifth month next following the end of the experience period unless a different effective date has been approved by the commissioner. In no event, however, may a rate increase be placed in effect earlier than the date rate decreases are expected to be placed in effect. An insurer may at any time charge a rate lower than its filed rate without notice to the commissioner.

F. Reports of Experience:

(1) Each insurer writing said life insurance and accident and health insurance shall report to the commissioner its claims experience and loss ratio data on said insurance separately for the motor vehicle dealers class of business and for all classes of business combined on the credit insurance supplement forms as specified by the National Association of Insurance Commissioners for inclusion in the annual statement blanks filed pursuant to section twenty-five.

(2) The commissioner shall summarize said insurance claims experience and loss ratio data from said credit insurance supplement forms and submit such summary experience and loss ratio data to the clerk of the house of representatives who shall forward the same to the joint committee on insurance not later than the thirtieth day of September of each year.

(3) Each insurer writing said life insurance and accident and health insurance for the motor vehicle dealers class of business shall report to the commissioner its claims experience and loss ratio data on said insurance for motor vehicle dealers on said credit insurance supplement forms for the calendar years nineteen hundred and eighty-five, nineteen hundred and eighty-six, nineteen hundred and eighty-seven and nineteen hundred and eighty-eight, by a date and in a manner to be set by the commissioner, but not later than July first, nineteen hundred and eighty-nine.

For the purpose of the reporting in this paragraph, for nineteen hundred and eighty-five, nineteen hundred and eighty-six and nineteen hundred and eighty-seven, the term "prima facie rate" shall be construed to mean the statutory maximum rates in effect during those years, and for subsequent years shall be construed to mean the nominal rates set out in clause (14) of paragraph G.

G. As used in this section the following terms, unless the context clearly requires otherwise, shall have the following meanings:-

(1) "Account", the aggregate credit life insurance or credit accident and health insurance coverage for a single plan of insurance and for single class of business written through a single creditor by the insurer. With the approval of the commissioner, the account may also mean the credit life insurance or the credit accident and health insurance of two or more plans of insurance or two or more classes of business of a single creditor.

(2) "Average Number of Life Years", the average number of group certificates in force during the experience period, without regard to multiple coverage, times the number of years in the experience period, or some equivalent calculation, which shall be made separately for credit life insurance and for credit accident and health insurance.

(3) "Case" a "Single Account Case", a "Multiple Account Case" or a "Pooled Account Case" as follows:

(i) "Single Account Case", an account that is at least as credible as the minimum level of credibility elected by the insurer for defining a single account case excluding all of these accounts which have been included in multiple account cases.

An insurer may make this election by notice to the commissioner, in writing, of the minimum credibility factor it will use to define a "Single Account Case". Once notified, the minimum credibility factor will remain in effect for the insurer until a different factor has been filed by the insurer and approved by the commissioner. If an insurer makes no written election, its minimum credibility factor will be one hundred per cent.

(ii) "Multiple account case", with the approval of the commissioner, two or more accounts of the same insurer having similar underwriting characteristics which are combined by the insurer for premium rating purposes, excluding all cases defined in (i) and which, when combined, are at least as credible as the minimum level of credibility elected in (i).

(iii) "Pooled account case", a combination of all the insurer's accounts of the same plan of insurance and class of business which combination has experience in this commonwealth, excluding all defined in (i) and (ii).

(4) "Class of business", a grouping of the classes of business listed below:

(i) credit unions;
(ii) commercial, cooperative & savings banks;
(iii) finance companies;
(iv) motor vehicle dealers;
(v) other sales finance;
(vi) production credit associations;
(vii) bank - agricultural loans;
(viii) all others

(5) "Credibility factor", the extent to which the past experience of a case can be expected to recur in the future. For the standard case rating procedure, the credibility factor may be based on either the number of claims incurred or on the "average number of life years" for the case during the experience period using the credibility table. The insurer shall notify the commissioner in advance which method it will use to measure the credibility of all its cases in this commonwealth and may not change its method without the prior approval of the commissioner. If "claim count" or "life year" data are not available, reasonable methods of approximation approved by the commissioner may be used until such data are developed.

(6) "Credibility table", for purposes of the standard case rating procedure means the following table:

CREDIBILITY TABLE

Average Number of Life Years			
Credit Life	Credit Accident and Health	Incurred Claim Count	Credibility "Z" Factor
7	1	1	.00
1,800	209	9	.25
2,400	279	12	.30
3,000	349	15	.35

CREDIBILITY TABLE (Continued)

Average Number of Life Years

Credit Life	Credit Accident and Health	Incurred Claim Count	Credibility "Z" Factor
3,600	419	18	.40
4,600	535	23	.45
5,600	651	28	.50
6,600	767	33	.55
7,600	884	38	.60
9,600	1,116	48	.65
11,600	1,349	58	.70
14,600	1,698	73	.75
17,600	2,047	88	.80
20,600	2,395	103	.85
25,600	2,977	128	.90
30,600	3,558	153	.95
40,600	4,651	200	1.00

The above integral numbers represent the lower end of the bracket for each "Z" factor. The upper is 1 less than the lower end for the next higher "Z" factor.

(7) "Earned premiums at rates in use", actual earned premiums, that is, the premiums earned at the premium rates actually charged for coverage in force during the experience period.

(8) "Earned premiums at the nominal rates", the actual earned premiums adjusted to the amount which would have been earned had the premium rate charged for coverage in force during the experience period been equal to the nominal rate. Reasonable methods of approximation approved by the commissioner may be used.

(9) "Experience", earned premiums, incurred claims, incurred claim count, number of life years insured, and average amount of insurance during the experience period.

(10) "Experience period", the most recent period of time for which experience is reported, but not a period longer than three full years. Experience period for the motor vehicle dealer pooled account case means the most recent three calendar years for which experience is reported.

(i) If a case develops one hundred per cent credibility in less than three years, the experience period for that case will be the number of full years needed to develop one hundred per cent credibility.

(ii) If a case develops the minimum credibility elected by the insurer

in less than three years, the experience period for that case, at the option of the insurer, will be the number of full years needed to develop minimum credibility or three full years.

(iii) New accounts with experience:

If a new account of an insurer has experience in this commonwealth with a prior insurer, the new insurer must use the most recent experience of the account with the prior insurer to the extent necessary to fill out an experience period.

(iv) Accounts with multi-state experience:

If an account has experience in more than this commonwealth, an insurer may use only the experience of the account in this commonwealth to rate the case or, with the approval of the commissioner, may use the multi-state experience of the account for this purpose applied on an equitable basis.

The provisions of subclause (i), (ii), (iii) and (iv) shall not apply to motor vehicle dealers.

(11) "Incurred claims", total claims paid during the experience period, adjusted for the change in the claim reserve.

(12) "Incurred claim count", the number of claims incurred for the case during the experience period. This means the total number of claims reported during the experience period, whether paid or in the process of payment, plus any incurred but not reported at the end of the experience period, less the number of claims incurred but not reported at the beginning of the experience period. If a debtor has been issued more than one certificate for the same plan of insurance, only one claim is counted. If a debtor receives disability benefits, only the initial claim payment for that period of disability is counted.

(13) "Loss Ratio", the ratio of incurred claims to earned premiums at the nominal rate.

(14) "Nominal rates", the premium rates shown below for credit life insurance and credit accident and health insurance.

(i) For credit life insurance the nominal rates per one thousand dollars of insurance in force per month shall be sixty-nine cents for single life insurance, and one hundred and sixty per cent of said single life insurance rate for joint life insurance.

(ii) For credit accident and health insurance, single premium rates for each one hundred dollars of initial insured indebtedness shall be seventy cents per annum for each of the first four years of the term of coverage, fifty cents per annum for each of the next three years of the term of coverage and twenty-five cents per annum for each year of the term of coverage thereafter. The initial insured indebtedness is the total of all monthly insurance benefits provided.

A monthly rate of one dollar and twenty cents for each one thousand dollars of remaining insured indebtedness each month, reduced by three cents for each year by which the initial scheduled duration of the insurance exceeds sixty months, shall be considered the equivalent of the above single premium rates. The "remaining insured indebtedness each month", as used in the preceding sentence, is the total of the monthly in-

surance benefits remaining.

For credit accident and health insurance in connection with interest bearing indebtedness, other than pre-computed indebtedness, a monthly premium rate of one dollar and fifty cents for each one thousand dollars of the remaining principal indebtedness, exclusive of finance charges, shall be considered the equivalent of the above single premium rates.

(15) "Plan of insurance" unless otherwise filed and approved means

(i) credit life insurance on a flat rated basis other than revolving accounts, e.g. including joint and single life coverage, decreasing and level insurance,

(ii) credit life insurance on a revolving account basis,

(iii) credit life insurance on an age-graded basis,

(iv) credit accident and health insurance other than on revolving accounts combining outstanding balance and single premium,

(v) credit accident and health insurance on a revolving account basis.

SECTION 5. The first paragraph of section 133 of said chapter 175, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:- (c) a group of persons who at any time are debtors of a bank, association, financial or other institution, including its subsidiary or affiliated institutions, if any, for a loan, or of the vendor of any property for its purchase price, or who are co-debtors or guarantors of said obligation, under an agreement to pay said obligation, or who at any time have been granted a policy loan pursuant to a policy provision therefor, written under a policy issued, with or without requirement of evidence of individual insurability, to said bank, association, financial or other institution or vendor, or to a parent holding company, or to the trustee, trustees or agent designated by one or more said banks, associations, financial or other institutions or vendors, or to the insurance company granting said policy loan, and made payable to said creditor or to the assignee of said obligation, or to said insurance company granting said policy loan, including the insurance company which issues said policy, and insuring the life of each debtor, co-debtor, guarantor or the person granted said policy loan, for an amount, with respect to each said obligation or policy loan, not exceeding his individual obligation exclusive of unearned finance charges, or policy loan with interest, and not exceeding forty thousand dollars; provided, however, that where joint life insurance is afforded, not more than two persons may be insured in connection with any one credit transaction; provided, however, that no such debtor shall be insured in such a group for a period of more than fifteen years on account of a debt arising out of said loan or policy loan or obligation for said purchase price, and provided, further, that said forty thousand dollar amount limitation and said fifteen year period limitation contained in this clause shall not apply to said insurance for which no identifiable charge is made to the debtor, co-debtor or guarantor.

SECTION 6. Section 177 of said chapter 175, as so appearing, is hereby

amended by striking out the fourth sentence and inserting in place thereof the following two sentences:- Nothing in this section shall prohibit the payment to the holder of a group policy of accident and health insurance issued pursuant to clause (j) of the first sentence of subdivision (A) of section one hundred and ten or of life insurance issued pursuant to clause (c) of the first paragraph of section one hundred and thirty-three, for which rates are determined pursuant to section one hundred and seventeen C, of a service charge; provided, however, that where said holder is offering or enrolling obligors in said group policy without being licensed pursuant to section one hundred and sixty-three, except where no identifiable charge is made to the insured, said holder is deemed to be in the business of insurance solely for the purposes of chapter one hundred and seventy-six D; provided, further, that any action by the commissioner under said chapter one hundred and seventy-six D shall be limited to said holder's activities with respect to said insurance products; and, provided further, that the licensed entity or entities which marketed said insurance products to said holder shall provide training to said holder in the offering of said insurance products and at least annually shall review the activities of said holder to assure that said insurance products are being properly administered. Nothing in the preceding sentence shall permit licensing of insurance agents where it would otherwise be prohibited nor shall anything in the preceding sentence be deemed to limit or restrict any other legal obligations and responsibilities of licensed entities.

SECTION 7. The second sentence of section 184 of said chapter 175, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:- (4) the payment to or the receipt by the holder of a group policy of accident and health insurance issued pursuant to clause (j) of the first sentence of subdivision (A) of section one hundred and ten or of life insurance issued pursuant to clause (c) of the first paragraph of section one hundred and thirty-three, for which rates are determined pursuant to section one hundred and seventeen C, of a service charge; provided, however, that where said holder is offering or enrolling obligors in said group policy without being licensed pursuant to section one hundred and sixty-three, except where no identifiable charge is made to the insured, said holder is deemed to be in the business of insurance solely for the purposes of chapter one hundred and seventy-six D; provided, further, that any action by the commissioner under said chapter one hundred and seventy-six D shall be limited to said holder's activities with respect to said insurance products; provided, further, that the licensed entity or entities which marketed said insurance products to said holder shall provide training to said holder in the offering of said insurance products and at least annually shall review the activities of said holder to assure that said insurance products are being properly administered; and provided, further, that nothing in this clause shall permit licensing of insurance agents where it would otherwise be prohibited nor shall be deemed to limit or restrict any other legal obligations and re-

sponsibilities of licensed entities.

SECTION 8. Chapter 255 of the General Laws is hereby amended by striking out section 12G, as so appearing, and inserting in place thereof the following section:-

Section 12G. Except as otherwise provided in section ten of chapter two hundred and fifty-five B, section fourteen A of chapter two hundred and fifty-five C and subsection C of section twenty-six of chapter two hundred and fifty-five D, in the event the charge or any portion thereof for life insurance under a policy issued pursuant to clause (c) of the first paragraph of section one hundred and thirty-three of chapter one hundred and seventy-five or for accident and health insurance under a policy issued pursuant to clause (j) of the first sentence of subdivision (A) of section one hundred and ten of chapter one hundred and seventy-five, which unless otherwise authorized shall be the only types of insurance authorized in connection with a loan for personal, family or household purposes, except in the case of a loan secured by a first lien on real property, is paid by the borrower or borrowers to the creditor, it shall not be deemed to constitute a charge in violation of sections ninety A, one hundred, one hundred and fourteen A, and one hundred and fourteen B of chapter one hundred and forty.

The creditor may make a charge for said life insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said creditor pursuant to the provisions of section one hundred and seventeen C of chapter one hundred and seventy-five. The amount of said insurance shall at no time exceed the greater of the scheduled or actual amount owing on the loan exclusive of unearned finance charges. Said charge may be collected either as a single premium on scheduled insured balances or periodically on actual monthly insured balances.

The creditor may make a charge for said accident and health insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said creditor pursuant to the provisions of said section one hundred and seventeen C of said chapter one hundred and seventy-five. Said charge may be collected either as a single premium on scheduled insured balances or periodically on outstanding balance basis, using a monthly term rate that is actuarially consistent with the applicable single premium rate filed with said commissioner, which monthly rate shall be applied each month to the sum of the remaining insured monthly benefits. For interest bearing loans, other than pre-computed loans, a uniform monthly rate filed with said commissioner may be applied to the remaining monthly loan balances of all insured loans, exclusive of unearned finance charges, which uniform monthly rate shall produce, for the aggregate of all said insured loans, an aggregate premium that is actuarially consistent with the aggregate premium that would result from

using said applicable single premium rates filed with said commissioner applied to the total of the monthly benefits on all said insured loans. All group accident and health insurance policies shall have a waiting period of thirty days and shall have benefits which are not retroactive.

In the event of prepayment of the loan, there shall be a refund of any unearned charges for said life insurance or accident and health insurance computed on a method which is at least as favorable to the borrower or borrowers as the actuarial method, which for single premiums shall be defined as a refund of unearned premium equal to the premium cost of coverage equal to the remaining scheduled benefits for a term equal to the remaining period from the date of said prepayment to the originally scheduled termination date of coverage, computed at the schedule of rates in effect when the charge for said insurance was made. If said prepayment is made other than on an installment due date it shall be deemed to have been made on the first installment due date if said prepayment is made before that date, and in any other case it shall be deemed to have been made on the next preceding or next succeeding installment due date, whichever is nearer to the date of said prepayment.

The amount of death benefit payable shall be computed as of the date of death and shall, subject to any dollar limit specified in the group policy, include not less than the equivalent of six past due monthly payments on the loan if and to the extent that payments are past due whether from delinquency, deferral, extension or other reason. No anticipated delinquency value shall be included in the amount of coverage on which said life insurance premiums are calculated. In the computation of said benefit, the assumed amount of said insurance shall not be less than the lesser of (1) the maximum amount of said insurance specified in the group policy, or (2) the actual outstanding principal balance of the indebtedness including the equivalent of up to six past due monthly payments if and to the extent that payments are past due. Notwithstanding the previous sentence, in the event an excess charge is made for said insurance, said amount of death benefit shall at no time be less than the amount for which a charge has been paid by the insured.

Every disclosure statement under the provisions of chapter one hundred and forty D involving said life insurance or accident and health insurance issued pursuant to this section shall contain the following language printed in ten point boldface type:

YOU CANNOT BE DENIED CREDIT SIMPLY BECAUSE YOU CHOOSE NOT TO BUY CREDIT INSURANCE. CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. INSURANCE WILL NOT BE PROVIDED UNLESS YOU SIGN AND AGREE TO PAY THE ADDITIONAL CHARGE.

The enrollment for said insurance shall not be a condition of obtaining financing nor shall it be a condition of entering into a loan. The denial of credit for failure to enroll for said insurance shall constitute a violation of chapter ninety-three A and chapter one hundred and seventy-six D.

This section shall not apply to insurance for which no identifiable charge is made to the borrower or borrowers. This section shall not apply

to a loan for personal, family or household purposes secured by a first lien on real property.

SECTION 9. Section 10 of chapter 255B of the General Laws, as so appearing, is hereby amended by striking out the fifth to tenth sentences, inclusive, and inserting in place thereof the following eight paragraphs:-

In the event the charge or any portion thereof for life insurance under a policy issued pursuant to clause (c) of the first paragraph of section one hundred and thirty-three of chapter one hundred and seventy-five, or for accident and health insurance under a policy issued pursuant to clause (j) of the first sentence of subdivision (A) of section one hundred and ten of chapter one hundred and seventy-five, which unless otherwise authorized shall be the only types of insurance authorized in connection with a retail installment contract, is paid by the buyer or buyers to the seller, it shall not be deemed to constitute a charge in violation of section fourteen.

The seller may make a charge for said life insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said seller pursuant to the provisions of section one hundred and seventeen C of chapter one hundred and seventy-five. The amount of said insurance shall at no time exceed the greater of the scheduled or actual amount owing on the contract exclusive of unearned finance charges. Said charge may be collected either as a single premium on scheduled insured balances or periodically on actual monthly insured balances.

The seller may make a charge for said accident and health insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said seller pursuant to the provisions of said section one hundred and seventeen C of said chapter one hundred and seventy-five. Said charge may be collected either as a single premium on scheduled insured balances or periodically on outstanding balance basis, using a monthly term rate that is actuarially consistent with the applicable single premium rate filed with said commissioner, which monthly rate shall be applied each month to the sum of the remaining insured monthly benefits. For interest bearing contracts, other than pre-computed contracts, a uniform monthly rate filed with said commissioner may be applied to the remaining monthly debt balances of all insured contracts, exclusive of unearned finance charges, which uniform monthly rate shall produce, for the aggregate of all said insured contracts, an aggregate premium that is actuarially consistent with the aggregate premium that would result from using said applicable single premium rates filed with said commissioner applied to the total of the monthly benefits on all said insured contracts. All group accident and health insurance policies shall have a waiting period of thirty days and shall have benefits which are not retroactive.

In the event of prepayment of the contract, there shall be a refund of

any unearned charges for said life insurance or accident and health insurance computed on a method which is at least as favorable to the buyer or buyers as the actuarial method, which for single premiums shall be defined as a refund of unearned premium equal to the premium cost of coverage equal to the remaining scheduled benefits for a term equal to the remaining period from the date of said prepayment to the originally scheduled termination date of coverage, computed at the schedule of rates in effect when the charge for said insurance was made. If said prepayment is made other than on an installment due date it shall be deemed to have been made on the first installment due date if said prepayment is made before that date, and in any other case it shall be deemed to have been made on the next preceding or next succeeding installment due date, whichever is nearer to the date of said prepayment. The holder of the contract shall refund said unearned charges in the event of said prepayment.

The amount of death benefit payable shall be computed as of the date of death and shall, subject to any dollar limit specified in the group policy, include not less than the equivalent of six past due monthly payments on the contract if and to the extent that payments are past due whether from delinquency, deferral, extension or other reason. No anticipated delinquency value shall be included in the amount of coverage on which said life insurance premiums are calculated. In the computation of said benefit, the assumed amount of said insurance shall not be less than the lesser of (1) the maximum amount of said insurance specified in the group policy, or (2) the actual outstanding principal balance of the indebtedness including the equivalent of up to six past due monthly payments if and to the extent that payments are past due. Notwithstanding the previous sentence, in the event an excess charge is made for said insurance, said amount of death benefit shall at no time be less than the amount for which a charge has been paid by the insured.

Every disclosure statement under the provisions of chapter one hundred and forty D involving said life insurance or accident and health insurance issued pursuant to paragraphs two to eight, inclusive, of this section shall contain the following language printed in ten point boldface type:
YOU CANNOT BE DENIED CREDIT SIMPLY BECAUSE YOU CHOOSE NOT TO BUY CREDIT INSURANCE. CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. INSURANCE WILL NOT BE PROVIDED UNLESS YOU SIGN AND AGREE TO PAY THE ADDITIONAL CHARGE.

The enrollment for said insurance shall not be a condition of obtaining financing nor shall it be a condition of entering into a retail installment contract. The denial of credit for failure to enroll for said insurance shall constitute a violation of chapter ninety-three A and chapter one hundred and seventy-six D.

Said paragraphs two to eight, inclusive, shall not apply to insurance for which no identifiable charge is made to the buyer or buyers.

SECTION 10. Chapter 255C of the General Laws is hereby amended by striking out section 14A, as so appearing, and inserting in place thereof

the following section:-

Section 14A. In the event the charge or any portion thereof for life insurance under a policy issued pursuant to clause (c) of the first paragraph of section one hundred and thirty-three of chapter one hundred and seventy-five, which unless otherwise authorized shall be the only type of insurance authorized in connection with a premium finance agreement, is paid by the insured or insureds to the agent, broker or his assignee, it shall not be deemed to constitute a charge in violation of section fourteen.

The agent, broker or his assignee may make a charge for said life insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said agent, broker or assignee pursuant to the provisions of section one hundred and seventeen C of chapter one hundred and seventy-five. The amount of said insurance shall at no time exceed the greater of the scheduled or actual amount owing on the agreement exclusive of unearned finance charges. Said charge may be collected either as a single premium on scheduled insured balances or periodically on actual monthly insured balances.

In the event of prepayment of the agreement, there shall be a refund of any unearned charges for said insurance computed on a method which is at least as favorable to the insured or insureds as the actuarial method, which for single premiums shall be defined as a refund of unearned premium equal to the premium cost of coverage equal to the remaining scheduled benefits for a term equal to the remaining period from the date of said prepayment to the originally scheduled termination date of coverage, computed at the schedule of rates in effect when the charge for said insurance was made. If said prepayment is made other than on an installment due date it shall be deemed to have been made on the first installment due date if said prepayment is made before that date, and in any other case it shall be deemed to have been made on the next preceding or next succeeding installment due date, whichever is nearer to the date of said prepayment.

The amount of death benefit payable shall be computed as of the date of death and shall, subject to any dollar limit specified in the group policy, include not less than the equivalent of six past due monthly payments on the agreement if and to the extent that payments are past due whether from delinquency, deferral, extension or other reason. No anticipated delinquency value shall be included in the amount of coverage on which said life insurance premiums are calculated. In the computation of said benefit, the assumed amount of said insurance shall not be less than the lesser of (1) the maximum amount of said insurance specified in the group policy, or (2) the actual outstanding principal balance of the indebtedness including the equivalent of up to six past due monthly payments if and to the extent that payments are past due. Notwithstanding the previous sentence, in the event an excess charge is made for said insurance, said amount of death benefit shall at no time be less

than the amount for which a charge has been paid by the insured.

Every disclosure statement under the provisions of chapter one hundred and forty D involving said life insurance issued pursuant to this section shall contain the following language printed in ten point boldface type: YOU CANNOT BE DENIED CREDIT SIMPLY BECAUSE YOU CHOOSE NOT TO BUY CREDIT INSURANCE. CREDIT LIFE INSURANCE IS NOT REQUIRED TO OBTAIN CREDIT. INSURANCE WILL NOT BE PROVIDED UNLESS YOU SIGN AND AGREE TO PAY THE ADDITIONAL CHARGE.

The enrollment for said insurance shall not be a condition of obtaining financing nor shall it be a condition of entering into a premium finance agreement. The denial of credit for failure to enroll for said insurance shall constitute a violation of chapter ninety-three A and chapter one hundred and seventy-six D.

This section shall not apply to insurance for which no identifiable charge is made to the insured or insureds.

SECTION 11. Section 26 of chapter 255D of the General Laws is hereby amended by striking out subsection C, as so appearing, and inserting in place thereof the following subsection:-

C. In the event the charge or any portion thereof for life insurance under a policy issued pursuant to clause (c) of the first paragraph of section one hundred and thirty-three of chapter one hundred and seventy-five, or for accident and health insurance under a policy issued pursuant to clause (j) of the first sentence of subdivision (A) of section one hundred and ten of chapter one hundred and seventy-five, which unless otherwise authorized shall be the only types of insurance authorized in connection with a retail installment sale agreement or revolving credit agreement, is paid by the buyer or buyers to the seller, it shall not be deemed a charge in violation of sections eleven or twenty-seven.

The seller may make a charge for said life insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said seller pursuant to the provisions of section one hundred and seventeen C of chapter one hundred and seventy-five. The amount of said insurance shall at no time exceed the greater of the scheduled or actual amount owing on the agreement exclusive of unearned finance charges. Said charge may be collected either as a single premium on scheduled insured balances or periodically on actual monthly insured balances.

The seller may make a charge for said accident and health insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said seller pursuant to the provisions of said section one hundred and seventeen C of said chapter one hundred and seventy-five. Said charge may be collected either as a single premium on scheduled

insured balances or periodically on outstanding balance basis, using a monthly term rate that is actuarially consistent with the applicable single premium rate filed with said commissioner, which monthly rate shall be applied each month to the sum of the remaining insured monthly benefits. For interest bearing agreements, other than pre-computed agreements, a uniform monthly rate filed with said commissioner may be applied to the remaining monthly debt balances of all insured agreements, exclusive of unearned finance charges, which uniform monthly rate shall produce, for the aggregate of all said insured agreements, an aggregate premium that is actuarially consistent with the aggregate premium that would result from using said applicable single premium rates filed with said commissioner applied to the total of the monthly benefits on all said insured agreements. All group accident and health insurance policies shall have a waiting period of thirty days and shall have benefits which are not retroactive. Credit accident and health insurance may be offered only in those cases where the original amount of the retail installment sale agreement, exclusive of finance charges, exceeds five hundred dollars.

In the event of prepayment of the retail installment sale agreement or revolving credit agreement, there shall be a refund of any unearned charges for said life insurance or accident and health insurance computed on a method which is at least as favorable to the buyer or buyers as the actuarial method, which for single premiums shall be defined as a refund of unearned premium equal to the premium cost of coverage equal to the remaining scheduled benefits for a term equal to the remaining period from the date of said prepayment to the originally scheduled termination date of coverage, computed at the schedule of rates in effect when the charge for said insurance was made. If said prepayment is made other than on an installment due date it shall be deemed to have been made on the the first installment due date if said prepayment is made before that date, and in any other case it shall be deemed to have been made on the next preceding or next succeeding installment due date, whichever is nearer to the date of said prepayment. The holder of the agreement shall refund said unearned charges in the event of said prepayment.

The amount of death benefit payable shall be computed as of the date of death and shall, subject to any dollar limit specified in the group policy, include not less than the equivalent of six past due monthly payments on the agreement if and to the extent that payments are past due whether from delinquency, deferral, extension or other reason. No anticipated delinquency value shall be included in the amount of coverage on which said life insurance premiums are calculated. In the computation of said benefit, the assumed amount of said insurance shall not be less than the lesser of (1) the maximum amount of said insurance specified in the group policy, or (2) the actual outstanding principal balance of the indebtedness including the equivalent of up to six past due monthly payments if and to the extent that payments are past due. Notwithstanding the previous sentence, in the event an excess charge is made for said insurance, said amount of death benefit shall at no time be

less than the amount for which a charge has been paid by the insured.

Every disclosure statement under the provisions of chapter one hundred and forty D involving said life insurance or accident and health insurance issued pursuant to this subsection shall contain the following language printed in ten point boldface type:

YOU CANNOT BE DENIED CREDIT SIMPLY BECAUSE YOU CHOOSE NOT TO BUY CREDIT INSURANCE. CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. INSURANCE WILL NOT BE PROVIDED UNLESS YOU SIGN AND AGREE TO PAY THE ADDITIONAL CHARGE.

The enrollment for said insurance shall not be a condition of obtaining financing nor shall it be a condition of entering into a retail installment sales agreement or revolving credit agreement. The denial of credit for failure to enroll for said insurance shall constitute a violation of chapter ninety-three A and chapter one hundred and seventy-six D.

This subsection shall not apply to insurance for which no identifiable charge is made to the buyer or buyers.

SECTION 12. This act shall apply to group contracts upon renewal or within one year of the effective date of this act, whichever is the earlier. No replacement or reissuance of a group contract or change in the anniversary or renewal date of a group contract occurring after March first, nineteen hundred and eighty-eight, shall affect the effective date for the account to which such group contract was issued. Rates for existing accounts on the effective date of this act shall be filed in accordance with section one hundred and seventeen C of chapter one hundred and seventy-five of the General Laws. To determine the rates pursuant to said section one hundred and seventeen C insurers shall use previous experience for existing accounts regardless of whether such experience was developed in periods preceding the effective date of this act.

Approved November 30, 1988.

Chapter 304. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF ANDOVER AS THE BATAAN AND CORREGIDOR VETERANS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on Lowell street designated state highway, Route 133, over Interstate highway route 93 in the town of Andover shall be designated and known as the Bataan and Corregidor Veterans Memorial Bridge. Suitable markers bearing such designation shall be erected by the department of public works in compliance with the standards of said department and the Federal Highway Administration.

Approved November 30, 1988.

Chapter 305. AN ACT FURTHER REGULATING THE CONDUCT OF CERTAIN PUBLIC OFFICIALS.

Be it enacted, etc., as follows:

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

The provisions of chapter two hundred and sixty-eight A of the General Laws shall apply to all directors, officers, advisory council members and employees of the corporation except as provided in this paragraph. Notwithstanding the provisions of sections seven and twenty-three of said chapter two hundred and sixty-eight A, the corporation may purchase from, sell to, borrow from, contract with or otherwise deal with any organization in which any director of the corporation or advisory council member is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the directors and recorded in the minutes of the proceedings of the corporation; and provided, further, that no director or advisory council member may participate in a decision to purchase from, sell to, borrow from, contract with, or otherwise deal with any organization with which such director or advisory council member is in any way interested or involved. Notwithstanding the provisions of sections six and twenty-three of said chapter two hundred and sixty-eight A, a director or advisory council member who is required by this act to be affiliated with a particular class of business organization, institution or association, may participate in a particular matter affecting the financial interests of the organization, institution or association with which he is affiliated; provided, however, that (a) said particular matter is confined to the establishment, as opposed to the operation and maintenance, of the statewide telecommunications network; (b) said particular matter does not affect the financial interests of said director or advisory council member, or an immediate family member or partner of said director or advisory council member; (c) the financial interest of said director's or advisory council member's organization, institution or association is substantially the same as the interest of other members of the particular class of organizations, institutions or associations with which that director or advisory council member is required by this act to be affiliated; (d) said particular matter is not a decision to purchase from, sell to, borrow from, contract with, or otherwise deal with said organization, institution, or association, in which case the provisions of the second sentence of this paragraph shall apply; and (e) the interest of any said director's or advisory council member's organization, institution or association is disclosed in advance to the directors and recorded in the minutes of the proceedings of the corporation, and a copy of the disclosure forwarded

to the state ethics commission. For the purposes of this paragraph, the WGBH Educational Foundation shall be deemed to belong to a class comprised of entities engaged in public educational telecommunications.

Approved November 30, 1988.

Chapter 306. AN ACT AUTHORIZING THE CITY OF EVERETT TO PAY THE FUNERAL EXPENSES OF ANTHONY J. CONTI A FIREFIGHTER KILLED IN THE PERFORMANCE OF HIS DUTY.

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 provisions of law to the contrary, the city of Everett is hereby authorized to pay the reasonable expense not exceeding five thousand dollars of the funeral and burial of Anthony J. Conti a firefighter who was killed in the performance of his duty.

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

Approved December 1, 1988.

Chapter 307. AN ACT EXEMPTING THE POSITION OF POLICE CHIEF IN THE CITY OF MARLBOROUGH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police of the police department in the city of Marlborough 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 employed on a permanent basis in the position of chief of police in the police department of the said city of Marlborough on the effective date of this act.

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

Approved December 1, 1988.

Chapter 308. AN ACT RELATIVE TO THE LICENSING OF CERTAIN POOL TABLES IN THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter one hundred and forty of the General Laws, or any other law or regulation to the contrary, any person, firm, corporation, club or other entity who has a pool table or pool tables for its customers, members or patrons within the city of Everett, shall, as a condition of placing or maintaining said table or tables on its premises apply to, and acquire a license from, the board of aldermen of the city of Everett.

Said board of aldermen is hereby empowered to promulgate such regulations as they deem necessary to enforce this licensing authority.

This act shall not apply to the use of pool tables in private homes.

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

Approved December 1, 1988.

Chapter 309. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ROCKLAND.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Rockland, as defined in Article II of the town charter, may be recalled and removed therefrom by the qualified voters of the town as hereinafter provided.

SECTION 2. Any five hundred qualified voters of the town may make and file with the town clerk an affidavit containing the name and position of the officer sought to be removed and a statement of the grounds of recall. The town clerk shall thereupon deliver to the voters making such affidavit sufficient number of copies of petition blanks demanding such recall and removal. The 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 board of selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within fourteen days after filing the affidavit and shall be signed by at least fifteen per cent of the qualified voters of the town as of the date such affidavit was filed with the town clerk. To every signature shall be added the place of residence of the signer, giving the street and number. The 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 and the registrars shall forthwith certify thereon the number of signatures which are names of qualified voters in the town

of Rockland.

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 board of selectmen without delay and said board shall forthwith give written notice to the 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 day fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition is filed, provided, however, that if any other town election is to occur within one hundred days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been 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 in an election to be held to fill such vacancy, 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 any election to fill a vacancy caused by a recall election, and the conduct of the same, shall all be in accordance with the provisions of the laws relating to elections, unless otherwise provided by this act. A majority of those voting at the recall election shall be sufficient to recall such elected officer.

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

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

For the recall of (name of officer).

Against the recall of (name of officer).

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

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

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 removed thereby, until at least six months after that election.

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

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

Approved December 1, 1988.

Chapter 310. AN ACT EXEMPTING THE POSITION OF CHIEF OF THE POLICE DEPARTMENT OF THE CITY OF LAWRENCE FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the position of chief of the police department of the city of Lawrence 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 the office of chief of the police department of the city of Lawrence on the effective date of this act.

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

Approved December 1, 1988.

Chapter 311. AN ACT RELATIVE TO THE OBSERVANCE OF CERTAIN LEGAL HOLIDAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the opening of certain stores on Sundays and holidays, therefore it is hereby declared to be an emergency law, neces-

sary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of clause (50) of section 6 of chapter 136 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- In any year in which Christmas Day occurs on a Sunday, this exemption shall not apply to said Sunday but shall apply to the day following.

SECTION 2. The first paragraph of section 7 of said chapter 136, as so appearing, is hereby amended by adding the following sentence:- Permits for Sunday work in stores covered by clause (50) of section six, shall not be granted without the approval of the department of labor and industries, which shall approve such permits only on a uniform basis throughout the commonwealth.

SECTION 3. Said chapter 136 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. The provisions of sections five to eleven, inclusive, shall, except as provided in section fourteen, apply to all legal holidays, except January first, the third Monday in January, the third Monday in February, March seventeenth, the third Monday in April, May twentieth, June seventeenth, and November eleventh after one o'clock post meridian, or on the day following when any of said days occur on Sunday.

Any retail establishment which operates on January first, or November eleventh, under the exemption granted by this section, shall pay to those employees working on any of said days, time and one-half, or such larger sum as may be determined by contract; such work shall be voluntary and refusal to work for any retail establishment on such legal holidays shall not be grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty. The provisions of this paragraph shall be enforced by the department of labor and industries. The provisions of section one hundred and eighty A of chapter one hundred and forty-nine shall apply to any violation of this paragraph.

SECTION 4. The third paragraph of section 15 of said chapter 136, as so appearing, is hereby amended by adding the following sentence:- Permits for work on legal holidays in stores covered by clause (50) of section six shall not be granted without the approval of the department of labor and industries, which shall approve such permits only on a uniform basis statewide.

SECTION 5. Chapter 149 of the General Laws is hereby amended by striking out section 180A, as so appearing, and inserting in place thereof the following section:-

Section 180A. Whoever violates any provisions of the second paragraph

of clause (50) of section six or the second paragraph of section thirteen of chapter one hundred and thirty-six shall be punished by a fine of not more than one thousand dollars.

Approved December 1, 1988.

Chapter 312. AN ACT AUTHORIZING AN EASEMENT IN THE TOWN OF GROTON.

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 permanent utility and pedestrian access easement within the former abandoned Boston and Maine Railroad Corporation property, located in the town of Groton, to the Westridge Farm Association, subject to the provisions of sections two through 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 bounded and described as follows:

AN EASEMENT over a parcel of land situated westerly of Ole Ayer Road in the Town of Groton; County of Middlesex; Commonwealth of Massachusetts; bounded and described as follows:

BEGINNING at AT&T Pole No. 117 marking the Northeasterly line of an American Telephone and Telegraph Company buried cable easement described in a deed recorded in the Middlesex South District Registry of Deeds, Book 10335, page 267, at land of the Department of Environmental Management of the Commonwealth of Massachusetts; and being the most Southerly corner of the easement described herein;

THENCE N 63 - 46' - 33" W crossing land of said Department eighty-two and 52/100 (82.52') feet to land of S. Tracy Eliades and Grace O. Clark;

THENCE N 25 - 08' - 37" E by land of said Eliades and Clark twenty-five (25.00') feet to a point;

THENCE S 63 - 46' - 33" E crossing said Department's land eighty-two and 52/100 (82.52') feet to other land of Eliades and Clark;

THENCE S 25 - 08' - 37" W by land of said Eliades and Clark twenty-five (25.00') feet to the point of beginning;

BEING shown as a proposed twenty-five (25.00') foot wide right-of-way and utility easement on a plan entitled "Plan of Easement in Groton, Mass. prepared for S. Tracy Eliades and Grace O. Clark" by Charles A. Perkins Co., Inc., Civil Engineers and Surveyors; dated April, 1988; revised June 8, 1988; Plan No. S-5311.

SECTION 2. No deed conveying by or in behalf of the commonwealth

the easement described in section one shall be valid unless such deed provides that said easement shall be used for the purpose of laying, maintaining, repairing, replacing and using underground utility lines, and for passage and access purposes, including but not limited to pedestrian and maintenance vehicular passage and access as well as emergency access.

SECTION 3. Westridge Farm Association shall assume the costs of appraisals, surveys and for other expenses as deemed necessary by the deputy commissioner for granting of this easement.

SECTION 4. The consideration for such conveyance shall be for fair market value of said parcel as determined by independent appraisals and paid either in funds, services, or a combination thereof. Said consideration to be agreed upon by the association and the deputy commissioner of capital planning and operations in consultation with the department of environmental management.

Approved December 1, 1988.

Chapter 313. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO CONVEY A CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

The town of Plymouth, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of park land to Denis P. Candlen. Said parcel is bounded and described as follows:-

Starting at a westerly boundry on Bartlett Road of land owned or formerly owned by Joe Robbins.

Northerly 105' along land owned or formerly owned by Joe Robbins;

Westerly 139.35' along land owned by Town of Plymouth, Park Department;

Southerly 70' along land owned by Town of Plymouth, Park Department;

Easterly 150.06' by land owned by Denis P. Candlen;

Southerly 45.65' by land owned by Denis P. Candlen; and

Easterly 40.72' by Bartlett Road to point of beginning.

Said lots are also subject to any rights acquired by the town of Plymouth by reason of a taking, dated April 18, 1961, filed and registered as document #78734.

Approved December 1, 1988.

Chapter 314. AN ACT MAKING A CORRECTION TO A CERTAIN EXISTING APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-NINE.

Be it enacted, etc., as follows:

Section 2 of chapter 164 of the acts of 1988 is hereby amended by striking the wording in item 7077-0023 and inserting in place thereof the following wording:-

> 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; provided, that prior year costs may be paid from this item.

Approved December 1, 1988.

Chapter 315. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF ANDOVER TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the town of Andover is hereby authorized to convey a certain parcel of conservation land to the town of Andover to be used for highway purposes.

Said parcel is shown as Parcel C on a plan entitled "Plan of a Portion of River Road showing land transfer between the town of Andover and the Greater Lawrence Regional Technical High School District" dated January, 1988 drawn by John Avery, Jr., Town Engineer which is on file in the office of the town engineer of the town of Andover.

SECTION 2. 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 conservation commission of the town of Andover is hereby authorized to release the conservation restriction now held by said conservation commission on the land described in section one.

Approved December 1, 1988.

Chapter 316. AN ACT FURTHER REGULATING THE DISTRIBUTION OF WATER BY THE TOWN OF WALPOLE IN THE TOWN OF DOVER.

Be it enacted, etc., as follows:

Section 2 of chapter 403 of the acts of 1982 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The town of Walpole shall supply water to other buildings in the town of Dover only if the board of selectmen of said town of Dover, and the board of sewer and water commissioners of said town of Walpole, by majority vote of each board, authorize said town of Walpole to supply water to any new buildings constructed on any parcel of land listed in this section; provided, however, that new construction shall not include replacement of similar building destroyed by fire or natural causes.

Approved December 1, 1988.

Chapter 317. AN ACT RELATIVE TO DOG RACING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate dog racing, 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 12A of chapter 494 of the acts of 1978, inserted by section 4 of chapter 277 of the acts of 1986, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

During the calendar years nineteen hundred and eighty-six through nineteen hundred and ninety-three, inclusive, each dog race track licensee under section three of chapter one hundred and twenty-eight A of the General Laws, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay daily: (a) a sum equal to one-half of one per cent of the total amount wagered by patrons wagering on the speed or ability of dogs into a trust fund to be known as the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust; and (b) a sum equal to one-half of one per cent of the total amount wagered by patrons so wagering into a trust fund to be known as the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust. Said trustees shall deposit all monies in said trust funds in one or more banks, at interest, within the commonwealth.

SECTION 2. Clause (c) of section 13 of said chapter 494, as amended by section 6 of said chapter 277 is hereby further amended by inserting after the word "year", in line 14, the words:- ; and provided, further, that in addition to the total number of racing days provided above, the commission may issue a license for an additional sixty days of racing in Bristol county.

Approved December 5, 1988.

Chapter 318. AN ACT ESTABLISHING A GENERAL LIABILITY INSURANCE FUND IN THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Everett 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 Everett's General Liability Insurance Fund; provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in such 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 the city of Everett shall be the custodian and administrator of this fund and may deposit or invest the 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.

The treasurer shall pay from the amount in the fund including the interest thereon such amounts as the city solicitor determines to be necessary from time to time to settle claims against the city of Everett and to cover the costs of defending the city of Everett against such claims including without limitation the costs of employing legal counsel, court costs and filing fees. The treasurer shall also pay from the amount in the fund including the interest thereon such amounts as the mayor 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 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 treasurer in subsequent years in accordance with this act.

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

Approved December 5, 1988.

Chapter 319. AN ACT FURTHER REGULATING THE AVAILABILITY OF DEFERRED COMPENSATION PROGRAMS FOR PUBLIC EMPLOYEES IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make deferred compensation programs available to all public employees of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 29 of the General Laws is hereby amended by inserting after section 64A the following two sections:-

Section 64B. The treasurer or, if there is no treasurer, the chief financial officer by whatever name that person is called, on behalf of any political subdivision, body politic and corporate, or public instrumentality created by the commonwealth or any county, city or town or group thereof by whatever name the body is called, including without limitation, an agency, authority, board, corporation or district, including also without limitation, any regional school, police, fire, refuse or sewage district, and hereinafter referred to as a "governmental body," which is not otherwise subject to any general or special law authorizing deferred compensation contracts with its employees, may contract with an employee of such governmental body to defer a portion of an employee's compensation and may, for the purposes of funding a deferred compensation program for said employee, established in accordance with the U.S. Internal Revenue Code, (the "Code") invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual fund, or a bank investment trust. The treasurer or chief financial officer shall, before making any such investment, solicit bids from insurance companies authorized to conduct business within the commonwealth pursuant to chapter one hundred and seventy-five, mutual fund managers, and banks, which bids shall be sealed, and opened at a time and place designated by the treasurer or chief financial officer. Any bid submitted by an insurance company, mutual fund, or bank investment trust to fund the deferred compensation program shall, where applicable, clearly indicate the interest rate which shall be paid on the deferred funds, any commissions which will be paid to the salesmen, any load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees and such other information as the treasurer or chief financial officer may require. Any contract entered into between an employee and the governmental body pursuant to this section shall include all such information in terms the employee can reasonably be expected to understand.

As used in this section the word "employee" shall have the same meaning as the word "employee" in section one of chapter thirty-two and shall include consultants and independent contractors who are natural

persons paid by the governmental body.

Notwithstanding the provisions of any general or special law to the contrary, the treasurer or chief financial officer shall not be required to solicit bids to invest the deferred portion of an employee's income provided: (a) the treasurer or chief financial officer elects to invest such funds in the same investment products as are provided through the deferred compensation plan for employees of the commonwealth administered by the state treasurer, provided such plan resulted from the solicitation of bids in accordance with bidding requirements comparable to those required under this section; or (b) the treasurer or chief financial officer elects to invest such funds in the investment products offered pursuant to a plan developed through a competitive process, provided that such plan resulted from the solicitation of bids by a group of any combination of three or more city, town, county or public authority treasurers or treasurers or chief financial officers of governmental bodies covered by this section acting as a "Common Group" for purposes of soliciting such proposals in accordance with bidding requirements comparable to those required under this section.

An employee may defer compensation so long as such deferral is the lesser of seven thousand five hundred dollars or thirty-three and one-third per cent of his includible compensation for a taxable year, except that for one or more of the last three taxable years ending before he attains normal retirement age under the plan, the employee may defer the lesser of fifteen thousand dollars or the sum of (1) seven thousand five hundred dollars or thirty-three and one-third per cent of his includible compensation for such year, plus (2) a sum not more than the total deferrable compensation for prior taxable years that had not in fact been deferred in such years.

Such deferred compensation program shall be in addition to and not a part of any retirement program or pension system as provided under said chapter thirty-two and any other benefit program provided by law for such employee. Any compensation deferred under such a plan shall continue to be included as regular compensation, as defined in section one of said chapter thirty-two, for the purpose of computing any retirement and pension benefits earned by any such employee, but any compensation so deferred shall not be included in the computation of any taxes withheld on behalf of any such employee.

Section 64C. The treasurer or, if there is no treasurer, the chief financial officer, by whatever name that person is called, of any political subdivision, body politic and corporate, or public instrumentality created by the commonwealth or by any county, city, or town or group thereof by whatever name the body is called, including without limitation an agency, board, authority, corporation or district, including, also without limitation, any regional school, police, fire, refuse or sewage district, hereinafter referred to as a "governmental body," which is not subject to a general or special law authorizing deferred compensation contracts with its employees, may contract with an employee of that governmental body to make contribution for and in the name of such employee, from

amounts otherwise payable to the employee as current compensation, to an Individual Retirement Account ("IRA") by such employee established in accordance with the U.S. Internal Revenue Code, (the "Code"). The participating employee may invest that portion of his income so contributed to an IRA in an annuity contract, mutual fund, bank investment trust or other investment authorized by the Code. Before making such deduction, the treasurer or chief financial officer shall be required to solicit bids from insurance companies authorized to conduct business within the commonwealth pursuant to chapter one hundred and seventy-five, mutual fund managers and banks, which bids shall be sealed and opened at a time and place designated by the treasurer or chief financial officer. Any bid submitted by an insurance company, mutual fund, or bank investment trust seeking investment of the IRA contribution shall, where applicable, clearly indicate the interest rate which shall be paid on the invested funds, any commissions which will be paid to the salesmen, any load imposed for the purpose of administering the funds, expected payouts, tax implications for participating employees and such other information as the treasurer or chief financial officer may require. Upon the treasurer's or chief financial officer's determining which provider offers the product or products most beneficial to the employee in each category for which bids were solicited, the treasurer or chief financial officer may offer such employee the opportunity to establish an IRA with one or more such providers. The employee who wishes to invest his IRA funds with such provider, or combination of providers, may authorize the treasurer or chief financial officer to deduct from amounts otherwise payable to the employee, at one time or on a periodic basis, amounts to be paid into the employee's IRA. If the employee so elects, the treasurer or chief financial officer shall pay to the providers the amount designated by the employee, in the name of the employee, to the employee's IRA. Amounts so paid to the providers for the employee's IRA account shall belong exclusively to the employee. Except as otherwise provided herein, the treasurer or chief financial officer may restrict an employee's right to contract to have contributions made to an IRA through deductions and payments by the treasurer or chief financial officer, to those providers selected as the result of the competitive bidding process outlined herein, but the authority conferred upon the treasurer or chief financial officer shall not be construed to restrict or limit the right of any employee to establish one or more IRAs with such banks, insurance companies, or similar authorized institutions as the employee may choose in any manner other than through an authorized deduction by the treasurer or chief financial officer of a portion of the employee's compensation as outlined herein. Any contract entered into between an employee and the governmental body pursuant to this section shall include all information in terms the employee can reasonably be expected to understand.

As used in this section the word "employee" shall have the same meaning as the word "employee" in section one of chapter thirty-two and shall also include consultants and independent contractors who are natu-

ral persons paid by the governmental body.

An employee may contribute a portion of his compensation to an IRA under the program outlined herein so long as such contribution, for an employee who is single, is the lesser of two thousand dollars or one hundred per cent of his compensation for a taxable year, and, for an employee who is married, the contribution is the lesser of two thousand two hundred and fifty dollars or one hundred per cent of his compensation for a taxable year, such dollar amount to be adjusted to reflect any applicable amendments to the code adopted from time to time. If an employee has any compensation deferred under a deferred compensation plan for employees of the governmental body, if one is established by the treasurer or chief financial officer under section sixty-four B, then the aggregate amount of such deferred compensation deduction and amounts contributed to such employee's IRA shall not exceed the limits imposed upon such combined deduction and contribution by the Code.

Notwithstanding any provisions to the contrary, the treasurer or chief financial officer shall not be required to solicit bids to invest the contributed portion of an employee's income into the employee's IRA provided: (a) the treasurer or chief financial officer is authorized by the employee to pay that portion of the employee's compensation into the employee's IRA in the same investment products as are provided through a deferred compensation or IRA plan for employees of the commonwealth administered by the state treasurer or a deferred compensation plan for employees of the governmental body administered by the treasurer or chief financial officer, provided such plan resulted from the solicitation of bids in accordance with bidding requirements comparable to those required under this section; or (b) the treasurer or chief financial officer is authorized by the employee to pay that portion of the employee's compensation into the employee's IRA in the investment products offered pursuant to a deferred compensation or IRA plan developed through a competitive selection process, provided that such plan resulted from the solicitation of bids by a group of any combination of three or more city, town, county or public authority treasurers or treasurers or chief financial officers of government bodies covered by this section acting as a "Common Group" for purposes of soliciting such proposals in accordance with bidding requirements comparable to those required under this section.

Such IRA plan shall be in addition to and not a part of any retirement program or pension system as provided under said chapter thirty-two and any other benefit program provided by law for such employee. Any compensation contributed by the employee to his IRA under such a plan shall continue to be included as regular compensation, as defined in section one of said chapter thirty-two, for the purpose of computing any retirement and pension benefits earned by any such employee, but any compensation so contributed shall not be included in the computation of federal taxes but shall be included in the computation of state taxes with held on behalf of any such employee.

Approved December 5, 1988.

Chapter 320. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the cost of salary adjustments and other employee economic benefits authorized by the supplemental agreements, signed May nineteenth, nineteen hundred and eighty-eight, between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6) for certain reallocations pursuant to Article 17 of the collective bargaining agreement between the parties, and by the supplemental agreement signed July twelfth, nineteen hundred and eighty-eight, between the commonwealth and the Alliance AFSCME/SEIU, AFL-CIO for certain reallocations, pursuant to Article 17A of the collective bargaining agreement between the parties, 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 sixty-four of the acts of nineteen hundred and eighty-eight.

SECTION 2.

EXECUTIVE OFFICE FOR

ADMINISTRATION AND FINANCE.

Collective Bargaining.

1599-3653 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by certain supplemental agreements between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6) for certain reallocations, and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said supplemental agreements; provided, however, that the personnel administrator, with the approval of the 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 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-nine such amounts as are necessary to meet the costs of said adjustments and benefits for fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine 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 agreements, together with analysis of all cost items contained in said agreements and all changes to be made in the schedules of permanent and temporary positions required by said agreements, 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 $114,162

1599-3654 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by a certain supplemental agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO for certain 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 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-nine such amounts as are necessary to meet the costs of said adjustments and benefits for fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine 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; 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	$622,429

SECTION 3. Notwithstanding the provisions of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight or any other general or special law to the contrary, amounts appropriated in each of the following items of section two of said chapter one hundred and sixty-four are hereby authorized to be expended, pursuant to the court judgment in Quirk v. Anrig, for the costs of retroactive salary adjustments for services provided by institutional school personnel funded from said items:

4311-0009	5046-0000	5095-0000
4513-1000	5047-0000	5948-0000
4540-0001	5051-0100	5983-0100

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

Approved December 5, 1988.

Chapter 321. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The town of Franklin is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, to Bell's Roofing Co. Inc., an unpaid bill incurred by said town and totalling fourteen thousand seven hundred twenty dollars, said bill being legally unenforceable against said town and as is certified for payment by the school department of the town of Franklin wherein said bill was contracted; provided, however, that the money so appropriated shall be paid by the school department or made available from the unappropriated surplus funds of the town.

SECTION 2. No bill shall be approved by the town comptroller of said town for payment or paid by the treasurer thereof under the authority of this act unless and until a certificate has been signed and filed with said town comptroller, stating under the penalties of perjury that the services and supplies for which said bill has been submitted were ordered by an official or an employee or agent of said town and that such services and supplies were rendered to said town or official or agent.

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.

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

Approved December 5, 1988.

Chapter 322. AN ACT TRANSFERRING CONTROL OF CERTAIN PARCELS OF LAND IN THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

SECTION 1. The town of Brewster is hereby authorized to transfer the care, custody, management and control of nine certain parcels of land which were acquired by said town for the purposes of promoting and de-

veloping natural resources and the protection of the watershed resources of said town from the conservation commission of said town to the water commissioners of said town to be used as a site for town water wells to improve the public water supply, for purposes incidental thereto and for passive recreation.

Said parcels are bounded and described as follows:

PARCEL 1: A certain parcel of land together with the buildings thereon, being Parcel Two (2) as shown on a plan of land in Brewster, prepared for West Gate Cranberry Plantation, John F. Hall, Owner, dated May 15, 1970 and recorded with Barnstable Registry of Deeds in Plan Book 237, Page 155, which begins at a concrete bound ten feet, more or less, from the waters edge of Upper Mill Pond, as shown on said plan;

THENCE N. 46° 39' 45" E. along the edge of said Upper Mill Pond, a distance of 276.53 feet for a concrete bound, as shown on said plan;

THENCE S. 47° 08' 36" E. by land now or formerly of Carlston S. and Denise G. Francis, a distance of 332.26 feet to a concrete bound, as shown on said plan;

THENCE S. 51° 16' 25" W. by Run Hill Road (which is sometimes called Westgate Road), a distance of 298.47 feet, to a concrete bound, as shown on said plan;

THENCE N. 43° 32' 17" W. a distance of 307.53 feet, to the point of beginning, as shown on said plan.

BUT EXCEPTING THEREFROM, so much of said premises as are described as Lot 2 on another plan entitled "Plan of Lots and Land, Run Hill Road, Brewster, Mass." surveyed for Spunkhorn Sand & Gravel Works, John F. Hall, owner, dated December 23, 1971 and recorded with said Deeds, Plan Book 258, Page 57.

PARCEL 2: A certain parcel of land together with the buildings thereon situated on the easterly side of Westgate Road, so-called, in said Brewster, bounded and described as follows:

Beginning at the northeasterly line of said Westgate Road at a corner of land formerly of Albert Winslow;

Thence by said road Northwesterly, Northerly and Northeasterly about ninety-seven (97) rods to a corner of land formerly of Daniel Arnes and land formerly of Albert Winslow;

Thence by said Winslow land S. 19° W. seventy-eight (78) rods more or less to the point of beginning.

BUT EXCEPTING THEREFROM so much of said premises as are shown as Parcel 3 on the aforementioned plan entitled "Plan of Lots and Land, Run Hill Road, Brewster, Mass." surveyed for Spunkhorn Sand & Gravel Works, John F. Hall, owner, dated December 23, 1971 and recorded with said Deeds, Plan Book 258, Page 57;

PARCEL 3: A certain parcel of cranberry bog together with the buildings thereon situated in said Brewster, bounded and described as follows:

On the North by land now or formerly of Ida Pearson;

On the East by land now or formerly of the Town of Brewster;

On the South by land now or formerly of Emily Black and Jennie Baker;

On the West by land now or formerly of Jessie Alexander.

Including all rights of way and sand rights thereunto belonging.

Being the same premises described in deed recorded in said Deeds, Book 1324, Page 398.

PARCEL 4: A certain parcel of cranberry swamp with the building thereon, known as Maple Swamp Lot, situated in said Brewster, bounded and described as follows:

On the South, East and West by the upland now or formerly of Charles Crosby and March C. Crosby, and Northerly by cranberry and swamp land now or formerly of Elijah Knowles and the cranberry land formerly of Emanuel Dugan.

Being the same premises described in deed recorded in said Deeds, Book 1324, Page 398.

For boundary reference, see also a certain document entitled "Release of Sand Rights and Plan Approval" dated October 18, 1972 and executed by John F. Hall and Ivan A. Dugan which is recorded with said Deeds, Book 1755, Page 122.

PARCEL 5: A certain parcel of land together with the buildings thereon situated in the northerly half of a certain cranberry swamp in said West Brewster bounded and described as follows:

Northerly by land now or formerly of Daniel C. Barnes;

Easterly by land now or formerly of J. H. Winslow, D. F. Harwood, C. W. Perry, Frank Perry and Emanuel Dugan;

Southerly by land now or formerly of said Dugan, and by land now or formerly of March C. Winslow; and,

Westerly by land now or formerly of the heirs of Lauranna Winslow.

PARCEL 6: A certain parcel of land together with the buildings thereon situated in said West Brewster and being the swamp lying to the East of the above-described Parcel 5 and being described in a deed from Eliza J. Winslow to E. Emma Foster recorded with said Deeds, Book 265, Page 232.

PARCEL 7: A certain parcel of land together with the buildings thereon being the southerly half of a certain cranberry swamp in said West Brewster bounded and described as follows:

Northerly by land now or formerly of Daniel C. Barnes;

Easterly by land now or formerly of J. H. Winslow, D. F. Harwood, C. W. Perry, Frank Perry and Emanuel Dugan;

Southerly by land now or formerly of said Dugan, and by land now or formerly of Mary C. Winslow, and;

Westerly by land now or formerly of the heirs of Lauranna Winslow.

PARCEL 8: A certain parcel of land together with the buildings thereon situated in said West Brewster, being the swamp lying to the east of the above-described Parcel 7, and being described in a deed from Emanuel Winslow to Elijah E. Knowles, recorded with said Deeds, Book 75, Page 115.

PARCEL 9: A certain parcel of land together with the buildings thereon situated in said West Brewster bounded and described as follows:

Beginning at a concrete bound on the easterly side of Westgate Road, at the southeasterly corner of land now or formerly of John F. Hall, and

at the northwesterly corner of land now or formerly of Ivan A. Dugan;

Thence N. 67° 07' 20" E. by land of said Ivan A. Dugan, a distance of 429.85 feet, to concrete bound, by the edge of Cranberry bog now or formerly of John F. Hall;

Thence Northerly in an irregular line by said cranberry bog now or formerly of John C. Hall to land now or formerly of Paul R. B. Pierson;

Thence N. 82° 14' 30" W. by said Pierson land, a distance of three (3) rods more or less to a concrete bound on the easterly side of Westgate Road, which is also known as Run Hill Road;

Thence S. 20° 24' 53" W. by land now or formerly of John F. Hall, a distance of 1292.26 feet, to the point of beginning.

SECTION 2. In the event that the parcels of land described in section one shall cease to be used for the purposes so described in said section one, the said parcels shall be used for the promotion and development of natural resources and the protection of watershed resources.

SECTION 2A. The town of Brewster is hereby authorized to transfer care, custody, management and control of a certain parcel of land from the board of water commissioners of said town to the conservation commission of said town to be used for conservation, passive recreation and watershed protection purposes.

Said parcel is shown as Lot 11 on Assessors Map 39; provided, however, that so much of said Lot 11 as lies within a four hundred and fifty foot radius of the proposed water well shall be excluded for such transfer.

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

Approved December 5, 1988.

Chapter 323. AN ACT FURTHER REGULATING GAS AND ELECTRIC COMPANIES.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by striking out section 8C, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:–

Section 8C. Every corporation may authorize, at a meeting duly called for the purpose, by vote of a majority of each class of stock outstanding and entitled to vote thereon, a restatement of its articles of organization. The restated articles of organization may effect further amendments of the articles of organization; provided, however, that every such further amendment is lawfully adopted in accordance with the provisions of, and is authorized by, section eight or eight A. If the restated articles of organization only restate and do not amend the articles of organization, such restated articles may be authorized and adopted by the

directors without a vote of the stockholders. Within sixty days after any meeting at which restated articles of organization have been adopted, or within thirty days after any necessary approval by the department, whichever is later, such restated articles, signed under the penalties of perjury by the president or any vice president and by the clerk and any assistant clerk, shall be submitted to the state secretary. Such restated articles of organization shall set forth all matter that would be required or permitted to be set forth in original articles of organization filed at the time of such meeting, other than the names and addresses of the incorporators, and shall indicate in a manner prescribed by the state secretary each amendment effected by such restated articles of organization.

The restated articles of organization shall become effective when filed in accordance with section six of chapter one hundred and fifty-six B, unless the restated articles or the vote adopting the restated articles specify a later effective date not more than thirty days after such filing, in which event the restated articles of organization shall become effective on such later date. From and after the effective date thereof the restated articles of organization shall be deemed for all purposes to have superseded the original articles of organization, or other charter documents, and amendments, and shall constitute the articles of organization of the corporation.

Approved December 5, 1988.

Chapter 324. **AN ACT MAKING THE TOWN OF SHARON A MEMBER OF THE CANOE RIVER AQUIFER ADVISORY COMMITTEE.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 461 of the acts of 1987 is hereby amended by inserting after the word "Norton", in line 3, the word:- , Sharon.

SECTION 2. Section 3 of said chapter 461 is hereby amended by inserting after the word "Norton", in line 5, the word:- , Sharon.

SECTION 3. Section 4 of said chapter 461 is hereby amended by inserting after the word "Norton", in line 5, the word:- , Sharon.

Approved December 5, 1988.

Chapter 325. **AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO ERECT A FLAG POLE IN MEMORY OF FORMER SENATOR JAMES R. McINTYRE.**

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to erect and maintain a flag pole, sixty feet in height, with a flag to fly twenty-four hours each day in Caddy Memorial Park, so-called, in the city of Quincy, in memory of former senator and former mayor of Quincy, James R. McIntyre. A suitable marker bearing such designation shall be attached thereto by said commission.

Approved December 5, 1988.

Chapter 326. AN ACT FURTHER REGULATING VOCATIONAL-TECHNICAL EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 74 of the General Laws is hereby amended by striking out section 21A, as appearing in section 5 of chapter 731 of the acts of 1987, and inserting in place thereof the following section:-

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 equal to no less than thirty-five per cent of their annual expenditures for the year three years previous, 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 present 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 2. Section 13 of chapter 731 of the acts of 1987 is hereby amended by striking out, in line 5, the word "ten" and inserting in place thereof the word:- fifteen.

Approved December 5, 1988.

Chapter 327. AN ACT ESTABLISHING THE ORLEANS, BREWSTER AND EASTHAM GROUND WATER PROTECTION DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established the Orleans, Brewster and Eastham Ground Water Protection district which shall be a body politic and corporate. Said district shall consist of the towns of Orleans, Brewster and Eastham.

SECTION 2. Said district shall be for the purpose of and in accordance with an agreement entitled "Intermunicipal Agreement between the towns of Orleans, Brewster and Eastham for the Construction, Management and Operation of a Septage Treatment Facility" dated May thirtieth, nineteen hundred and eighty-five, as the same may be amended in accordance with the provisions thereof, and on file in the office of the town clerks of the towns of Orleans, Brewster and Eastham.

SECTION 3. In addition to the powers enumerated in said agreement, the board of managers shall have the rights and powers to adopt by-laws for the regulation of its affairs and the conduct of its business; provided, however, that any by-law shall be consistent with the aforementioned Intermunicipal Agreement: To adopt an official seal and alter the same at its pleasure; to maintain an office at such place or places as it may determine; to sue and be sued and to prosecute and defend actions relating to its properties and affairs; and to own and maintain real and personal property including but not limited to the "Facility" as such is described in section I of said agreement.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the said district established by section one shall be deemed to have an insurable interest in the facilities of the district for purposes of obtaining insurance in accordance with the terms of section VIII of said agreement or to take any other action relative thereto.

Approved December 5, 1988.

Chapter 328. AN ACT RELATIVE TO THE NORTH EAST SOLID WASTE COMMITTEE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the North East Solid Waste committee, an unincorporated association of a city and several towns who are parties to contracts with Signal Environmental Systems, Inc., a solid waste disposal and resource recovery facility, located in the town of North Andover is hereby constituted a body politic and corporate to be known as the North East Solid Waste Committee hereinafter referred to as the committee. Said committee shall be a public instrumentality and the exercise of its powers shall be deemed to be the performance of an essential governmental function. Each member municipality is hereinafter referred to as a contract community.

SECTION 2. (a) There shall be an advisory board, hereinafter referred to as the board, to the committee consisting of one representative of each contract community. Said representative shall be appointed for a term of two years, in a city by the mayor and in each town by the board of selectmen, or, in the event the general appointing authority does not rest with the board of selectmen in a particular town, by the executive officer or body specifically vested with such appointing authority. Said representative may be an elected or appointed official of the contract community. One or more alternate representatives may be designated and may cast the community's vote in the absence of a regular designated representative. Said representatives and alternates shall serve without compensation but may be reimbursed by the board for all reasonable expenses incurred in the performance of their duties. Each representative or alternate, in the performance of his duties on the committee and the board, shall have the same immunities and privileges he would have in the exercise of the same or similar duties within his respective city or town. Each representative or alternate shall serve for his appointed term and until a successor is qualified. A representative and alternate representative may be reappointed and may serve an unlimited number of terms. In the case of a vacancy, a new representative or alternate representative shall be appointed within sixty days in the same manner as above and shall serve for the unexpired portion of the term.

(b) Said board shall elect from among its members a chairman, vice chairman and treasurer, for a period of two years and until their successors are qualified.

SECTION 3. The powers of the committee acting through the board shall be as follows:

(a) to adopt, revise and amend bylaws for the regulation of its affairs and the conduct of its business; provided, that existing bylaws of the unincorporated association shall continue in effect, except that in instances where provisions of this act and provisions of existing bylaws are in conflict, provisions of this act shall govern;

(b) to adopt an official seal and alter the same at its pleasure;

(c) to maintain an office at such place or places as it may determine;

(d) to sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued;

(e) to submit an annual report to each member city and towns, containing a detailed financial statement;

(f) to adopt an annual operating budget;

(g) to request, apply for, contract for, administer, expend, disburse, and comply with any conditions and requirements respecting any funds, payment, gift, bequest, grant, donation, loan or appropriation of any property or money, whether derived directly or indirectly from the operation of the facility, from a contract community, from any person, corporation, association, public authority, or agency or subdivision of the federal or state governments, or from any other source public or private;

(h) to create committees, including an executive committee, consisting of any number of its member representatives, to exercise whichever powers and carry out whichever responsibilities it shall choose to delegate, all as defined in its bylaws;

(i) to hire, retain, contract for or otherwise provide for administrative employees, including but not limited to an employee to serve as the contract community representative, and such other providers of accounting, management, legal, financial and other professional services, as may be required for the exercise of the powers, purposes and functions prescribed herein or in contractual agreements heretofore or hereafter arrived at between the committee, the board or the contract communities and other parties.

(j) to establish reasonable salaries and benefits for its employees, including, without limiting the generality of the foregoing, to contract to the extent permitted by and in accordance with applicable requirements of the United States Internal Revenue Code, with any of its employees (i) to defer a portion of the employee's compensation and to invest such amounts under a deferred compensation program, and (ii) to make contributions from amounts otherwise payable as an employee's current compensation to an individual retirement account, hereinafter referred to as IRA. Investments of deferred compensation may be made in a life insurance of annuity contract, mutual fund or bank investment trust and investment of IRA amounts may be made in the foregoing or in other investments authorized by the Internal Revenue Code.

(k) to obtain insurance and to enter into agreements of indemnification;

(l) to maintain and encourage the fullest cooperation among contract communities and render them all possible assistance in planning and implementing improvements in the means of collecting, reducing, transporting, treating and disposing of solid waste and in the construction, alteration, expansion, operation and maintenance of regional solid waste facilities, including but not limited to transfer stations, landfills, incinerators, composting plants, recycling facilities, and resource recovery and electric generating plants including the facility;

(m) to conduct research, analyses and studies for and provide technical advice, assistance and guidance to any one or more contract communities, non-member cities or towns, public authorities or agencies or subdivisions of the federal or state governments, in connection with and in furtherance of the purposes of the committee;

(n) to set the terms by which other cities or towns may participate in the business of or be admitted to membership on the committee; provided, that such terms shall be in accord with section four of this act;

(o) to appear on its own behalf before other public bodies, including, without limiting the generality of the foregoing, the courts of the commonwealth and of the United States, in all matters relating to its powers, purposes and functions; and

(p) to make and execute all contracts, agreements and other instruments and to do all things necessary, convenient or desirable for the

exercise of the powers, purposes and functions prescribed herein or in contractual agreements heretofore arrived at between the committee, the board of the contract communities and other parties.

SECTION 4. Nothing in this act shall terminate, amend or impair existing contractual agreements between the committee, the board or the contract communities and other parties.

Approved December 5, 1988.

Chapter 329. AN ACT AUTHORIZING THE CITY OF CHELSEA TO PAY THE FUNERAL EXPENSES OF FREDERICK T. DONOVAN A FIREFIGHTER KILLED IN THE PERFORMANCE OF HIS DUTY.

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 provisions of law to the contrary, the city of Chelsea is hereby authorized to pay the reasonable expense not exceeding five thousand dollars of the funeral and burial of Frederick T. Donovan a firefighter who was killed in the performance of his duty.

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

Approved December 5, 1988.

Chapter 330. AN ACT APPOINTING CHILDREN OF FIREFIGHTERS KILLED IN THE LINE OF DUTY AS FIRE ALARM OPERATORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the appointment of fire alarm operators on eligible lists, 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 26 of chapter 31 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the seventh to ninth paragraphs, inclusive, and inserting in place thereof the following three paragraphs:–

Notwithstanding any other provisions of this chapter or of any other law, a son or daughter of a firefighter or a police officer who passes the

required written and physical examination for entrance to the fire service or police service or a son or daughter of a firefighter who passes the required written and physical examination for appointment as a fire alarm operator shall have his or her name placed in the first position on the eligible list for appointment to such fire or police service or fire alarm service if: (1) in the case of a firefighter, such firefighter while in the performance of his duties and as the result of an accident while responding to an alarm of fire or while at the scene of a fire was killed or sustained injuries which resulted in his death; or (2) in the case of a police officer, such police officer while in the performance of his duties and as a result of an assault on his person was killed or sustained injuries which resulted in his death.

Notwithstanding any other provision of this chapter or of any other law, the son or daughter of a firefighter or police officer who passes the required written and physical examination for entrance to the fire or police service or a son or daughter of a firefighter who passes the required written and physical examination for appointment as a fire alarm operator shall have his or her name placed on the eligible list for appointment to such fire or police service or fire alarm service immediately below the names of disabled veterans as provided for in the first paragraph, provided that said firefighter or police officer has been retired at a yearly amount of pension equal to the regular rate of compensation which he would have been paid had he continued in said service at the grade held at the time of retirement, pursuant to a special act of the legislature in which said firefighter or police officer is determined to be permanently or totally disabled; provided, further, that:

(1) in the case of a firefighter, such firefighter while in the performance of his duties and as the result of an accident while responding to an alarm of fire or while at the scene of a fire sustained injuries which resulted in his being permanently and totally disabled; or sustained injuries which resulted in his being permanently disabled; or

(2) in the case of a police officer, such police officer while in the performance of his duties and as a result of an assault on his person sustained injuries which resulted in his being permanently and totally disabled. Should more than one applicant be eligible for appointment pursuant to the provisions of this paragraph, said applicants shall be ordered according to their respective standings.

For the purposes of determining the order of persons on eligible lists pursuant to this section, the presumptions created by sections ninety-four and ninety-four A of chapter thirty-two, shall not be applicable to the death or disablement of any firefighter or police officer whose son or daughter is eligible for appointment.

Approved December 5, 1988.

Chapter 331. AN ACT MAKING AN APPROPRIATION TO FUND CERTAIN COLLECTIVE BARGAINING COSTS, INCLUDING THE AGREEMENT BETWEEN THE CHIEF ADMINISTRATIVE JUSTICE OF THE TRIAL COURT AND THE MIDDLESEX COUNTY SUPERIOR COURT OFFICERS' ASSOCIATION.

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 Middlesex County Superior Court Officers' Association; by the memorandum of agreement signed March sixteenth, nineteen hundred and eighty-eight, between the commonwealth and the National Association of Government Employees, Unit 3 (Local R1-219) for the class reallocation of the title construction and maintenance foreman, pursuant to Article 17A of the collective bargaining agreement between the parties; and by the memorandum of understanding signed March twenty-second, nineteen hundred and eighty-eight, between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO, SCR-2061 for the class reallocation of the titles occupational therapist aide and physical therapist aide, 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 sixty-four of the acts of nineteen hundred and eighty-eight.

SECTION 2.

JUDICIARY.

Trial Court.

Collective Bargaining.

Item

0330-0705 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 Middlesex County Superior Court Officers' Association, 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 col-

Item		
	lective bargaining agreement; 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-nine such amounts as are necessary to meet the costs of said adjustments and benefits for the fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine 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 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	$185,097

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

Approved December 5, 1988.

Chapter 332. **AN ACT RELATIVE TO HEALTH AND SAFETY CONCERNING ASBESTOS.**

Be it enacted, etc., as follows:

SECTION 1. Section 6C of chapter 149 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "of", in line 2, the first time it appears, the words:- the general public and.

SECTION 2. Said section 6C of said chapter 149, as so appearing, is hereby further amended by adding the following paragraph:-

Such regulations shall provide that in order to constitute adequate precautionary measures, protective equipment, or other safeguards within the protective equipment, meet the following requirements:-

(1) Full facepiece Type C supplied-air respirators operated in pressure demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus shall be worn whenever airborne fiber concentrations inside the work area are equal to or greater than 10.0 f/cc.

(2) Full facepiece Type C supplied-air respirators operated in pressure demand mode with HEPA filter disconnect protection shall be worn whenever airborne fiber concentrations inside the work area are equal to or greater than 2.0 f/cc and less than 10.0 f/cc.

(3) Full facepiece powered air-purifying respirators (PAPR) equipped with HEPA filters shall be worn whenever airborne fiber concentrations inside the work area are less than 2.0 f/cc. A supply of charged replacement batteries, HEPA filters and flow test meters shall be available in the clean room for use with powered air-purifying respirators. Any Type C supplied-air respirator operated in continuous flow may be substituted for a powered air-purifying respirator.

(4) Full-face or half mask air-purifying respirators with HEPA filters shall be worn only during asbestos-associated work, preparation of the work area, performance of repairs (e.g. using glovebag techniques), and final clean up procedures.

SECTION 3. Section 6E of said chapter 149, as so appearing, is hereby amended by inserting after the word "of", in line 2, the second time it appears, the words:- the general public and.

SECTION 4. Said section 6E of said chapter 149, as so appearing, is hereby further amended by inserting after the word "workers", in line 9, the words:- or the general public.

Approved December 5, 1988.

Chapter 333. AN ACT EXTENDING CERTAIN COLLECTIVE BARGAINING DISPUTE MECHANISMS.

Be it enacted, etc., as follows:

Chapter 1078 of the acts of 1973, as most recently amended by section 2 of chapter 726 of the acts of 1985, is hereby further amended by striking out sections 8A and 8B and inserting in place thereof the following two sections:-

Section 8A. The provisions of section four B of this act shall cease to be operative on June thirtieth, nineteen hundred and ninety-one and any arbitration proceeding pending on June thirtieth, nineteen hundred and

ninety-one shall be completed under the provisions of said section four B.

Section 8B. The provisions of section four C of this act shall cease to be operative on June thirtieth, nineteen hundred and ninety-one and any arbitration proceeding pending on June thirtieth, nineteen hundred and ninety-one shall be completed under the provisions of said section four C.

Approved December 5, 1988.

Chapter 334. AN ACT RELATIVE TO ELECTRIC COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections one and two of chapter one hundred and sixty-four of the General Laws or the provision of any other general or special law to the contrary, any partnership formed for the purpose of constructing, owning, and operating facilities for the transmission of electricity consisting of direct current transmission lines running from the town of Tyngsborough to the town of Ayer, a direct current to alternating current converter terminal located in the town of Ayer and the town of Groton, and any facilities appurtenant thereto, shall, for all purposes of chapter one hundred and sixty-four, be considered to be an electric company, and shall be entitled to exercise all rights and privileges granted and be subject to all obligations imposed in such chapter on electric companies; provided, however, that no corporation or other entity that participates in such partnership as a partner shall be deemed to be an electric company within the meaning of chapter one hundred and sixty-four solely by virtue of such participation.

SECTION 2. For the purposes of section three of chapter forty A of the General Laws, the partnership referred to in section one shall be considered a public service corporation.

SECTION 3. Any licenses, permits, approvals, orders, certificates, exemptions, or similar authorizations granted by any administrative agency or authority of the commonwealth, prior to the passage of this act, in connection with the construction and operation of the facilities described in section one may be transferred by the corporation or other entity to which such authorization was granted to the partnership referred to in said section one, and may be utilized and relied upon by said partnership, without further action or approval of such agency or authority.

SECTION 4. Notwithstanding any general or special law to the contrary, any city or town having a municipal electric department established under chapter one hundred and sixty-four of the General Laws or a special act, acting through its municipal light board as defined in section one of chapter one hundred and sixty-four A of the General Laws, and the Massachusetts Municipal Wholesale Electric Company established

pursuant to chapter seven hundred and seventy-five of the acts of nineteen hundred and seventy-five may own or acquire an interest in or participate as a limited partner in any partnership formed for the purpose of constructing, owning and operating transmission facilities in the United States for the New England/Quebec interconnection project to transmit electric power from Hydro-Quebec to any state in the area known as New England.

SECTION 5. Any such city or town, acting by and through its municipal light board as so defined, may enter into agreements pursuant to chapter one hundred and sixty-four A of the General Laws with respect to transmission facilities in the United States for the New England/Quebec interconnection project to transmit electric power from Hydro-Quebec to any state in the area known as New England. Such agreements may provide (1), in the event of a default by any party thereto in the performance of its obligations thereunder, for other parties to assume the obligations and succeed to the rights and interests of the defaulting party, pro rata or otherwise as may be agreed, and (2), for the guarantee by any party of the payment obligations of any other party. Obligations of a city or town under such agreements shall constitute special obligations of such city or town, payable solely from the revenues derived by such city or town from its municipal electric department.

SECTION 6. Section 5 of chapter 187 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 6, the words "telephone and water" and inserting in place thereof the following words:- "telephone, water and sewer".

Approved December 6, 1988.

EMERGENCY LETTER: December 6, 1988 @ 4:50 P.M.

Chapter 335. **AN ACT RELATIVE TO THE PLACEMENT OF DEALER'S INSIGNIAS, LOGOS OR NAME PLATES ON MOTOR VEHICLES.**

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 7R the following section:-

Section 7R 1/2. No seller, or an agent or employee of a seller, of motor vehicles shall place on a motor vehicle an insignia, logo or other plate that advertises the name of the seller without first having obtained the written consent of the buyer of such motor vehicle. Such seller must provide a buyer with a written consent form at the time of the purchase of the motor vehicle. The original of such written consent form shall be retained by the seller and a copy retained by the buyer. Any such seller's failure to obtain written consent from the buyer shall enable the

buyer to request that the seller remove any insignia, logo or plate and make all repairs necessary to restore the motor vehicle to its original condition. Each seller shall post in a conspicuous place, a notice explaining the buyer's rights under this section.

Any violation of this section shall be punishable by a fine of not less than two hundred dollars.

Approved December 6, 1988.

Chapter 1. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO PLANNING APPROPRIATE EVENTS TO COMMEMORATE THE THREE HUNDRED AND FIFTIETH ANNIVERSARY OF THE ARRIVAL OF THE FIRST GROUP OF AFRICANS TO MASSACHUSETTS IN FEBRUARY, SIXTEEN HUNDRED AND THIRTY-EIGHT.

RESOLVED, That the special commission, established by chapter seven of the resolves of nineteen hundred and eighty-three, is hereby revived and continued.

Approved July 26, 1988.

Chapter 2. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AN STUDY OF THE PUBLIC EFFECTS OF INDOOR AIR POLLUTION.

RESOLVED, That the special commission, established by chapter ten of the resolves of nineteen hundred and eighty-six, is hereby revived and continued.

Approved July 26, 1988.

Chapter 3. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ROLE OF THE COMMONWEALTH IN ASSISTING VETERAN-OWNED BUSINESSES.

RESOLVED, That special commission, to consist of two members of the senate, five members of the house of representatives, one of whom shall be the chairman of the sub-committee on veterans affairs, the commissioner of veterans services, and six persons to be appointed by the governor, one of whom shall be a business development specialist, one of whom shall be a business owner who is a veteran and one of whom shall have expertise in job training and employment counseling, and one whom works with the commonwealth's small business development center, is hereby established for the purpose of making an investigation and study relative to establishing a veteran-business assistance component within the office of entrepreneurial and small business development. The study shall include, but not be limited to: (1) what special problems veterans experience, in trying to start their own businesses, (2) determining the importance of veteran-owned businesses in the Massachusetts economy, (3) determining what role, if any, the commonwealth should adopt in

assisting veteran-owned businesses; and further to include in its conclusions and recommendations in relation thereto together with such drafts of legislation as may be necessary to give effect to the same in its report.

Said commission may file interim reports, but shall its final report no later than the last Wednesday in December, nineteen hundred and eighty-nine.

Approved July 26, 1988.

Chapter 4. **RESOLVE IN FAVOR OF THE WIDOW OF THE LATE ANGELO PICUCCI.**

RESOLVED, That, for the purpose of promoting the public good, and after an appropriation has been made therefor, there be paid out of the state treasury to the widow of the late Angelo Picucci, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected. The additional benefits provided for by this resolve shall be included as regular compensation for Angelo Picucci for the purposes of computing his retirement benefits pursuant to chapter thirty-two of the General Laws.

Approved July 27, 1988.

Chapter 5. **RESOLVE PROVIDING FOR PUBLICATION OF NINETEEN HUNDRED AND EIGHTY-EIGHT AND NINETEEN HUNDRED AND NINETY EDITIONS OF THE GENERAL LAWS AND FOR MONTHLY PUBLICATION OF AMENDMENTS DURING NINETEEN HUNDRED AND EIGHTY-NINE TO NINETEEN HUNDRED AND NINETY-TWO.**

RESOLVED, That counsel to the senate and counsel to the house of representatives be authorized to prepare and contract for publication of new editions of the General Laws which may be referred to as the 1988 Official Edition of the General Laws and 1990 Official Edition of the General Laws. Said editions shall preserve the present chapter and section numbers of the General Laws, and the numbers of inserted chapters and sections, and shall include all amendments and additions to the General Laws enacted on or after January first, nineteen hundred and thirty-two, including those enacted during the session of nineteen hundred and eighty-eight and nineteen hundred and ninety, respectively. Said editions shall include a table of contents, section headings, text of the General Laws, text of the Constitutions of the Commonwealth and the United States and an index. Said counsel shall also be authorized to prepare and contract for monthly publications, and annual Supplements in

General Law format and sequence, of all amendments to the General Laws enacted during the sessions of nineteen hundred and eighty-nine, nineteen hundred and ninety, nineteen hundred and ninety-one and nineteen hundred and ninety-two. Publication of the 1988 Official Edition of the General Laws and of the 1990 Official Edition of the General Laws and said amendments shall be at the risk, expense and profit of the publisher provided that said counsel may contract with the publisher to return a portion of the publication proceeds to the commonwealth and may grant a mutual option to extend the contract to include publication of a 1992 Official Edition of the General Laws and a 1994 Official Edition of the General Laws and monthly publication of amendments to the General Laws and annual Supplements, enacted during the sessions of nineteen hundred and ninety-three, nineteen hundred and ninety-four and nineteen hundred and ninety-five and nineteen hundred and ninety-six. Said counsel is also authorized to contract with the Massachusetts Bar Association to co-sponsor or otherwise promote publication of the General Laws.

Approved November 30, 1988.

AN ACT REPEALED BY THE PEOPLE AT THE STATE ELECTION NOVEMBER 8, 1988

Chapter 71 of the Acts of 1987 was repealed by the people at the state election November 8, 1988. The aggregate vote on Referendum Question 1 was 429,008 voting "yes" and 2,065,532 voting "no"; therefore said Chapter 71 of the Acts of 1987 is repealed under the provisions of the Constitution governing such a case and has been so certified.

MICHAEL JOSEPH CONNOLLY,
Secretary of State.

May 30, 1989

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 THE AUTHORITY OF THE CONSTITUTION.

The General Court during its second session held in 1988 passed 335 Acts and five Resolves of which 334 Acts and five Resolves received executive approval.

Chapter 270, an Act Providing for the Equitable and Cost Efficient Establishment of Public Assistance Rates for Chronic Disease Hospitals, was approved by both the Senate and House of Representatives but failed to receive executive approval; as however, it was not returned with objections thereto, within ten days after it was received in the executive department, the General Court not having dissolved in the meantime, said Act has the force of law under the provisions of the Constitution governing such a case and has been so certified.

Twenty-eight Acts were declared to be emergency laws by the executive department in accordance with provisions of the forty-eighth amendment to the Constitution, the Referendum II, Emergency Measures; respectively Chapters 7, 17, 21, 23, 40, 52, 65, 67, 71, 86, 114, 120, 134, 146, 156, 165, 175, 186, 202, 206, 209, 221, 223, 251, 257, 271, 296 and 334.

The General Court was prorogued on Wednesday, November 23, 1988 at twenty minutes before three o'clock AM, the session having occupied 320 days.

MICHAEL JOSEPH CONNOLLY,
Secretary of State.

May 30, 1989

OFFICE OF THE SECRETARY OF STATE, BOSTON MAY 30, 1989

I hereby certify that the Acts and Resolves contained in this volume are true copies of the originals on file with 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.

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*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.

Act submitted upon referendum after passage and repealed by the people at state election on November 8, 1988. This action revived section as most recently amended by 1987, 71 § 2.

SECT. 2 revised, 1987, 71 § 3. (See 1987, 71 § 9.)

Act submitted upon referendum after passage and repealed by the people at state election on November 8, 1988. This action revived section as most recently amended by 1987, 71 § 3.

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SECTS. 202-203 added, 1987, 729 § 1.

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SECT. 17, first paragraph revised, 1987, 525 § 1A. (See 1987, 525 § 88.)

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SECT. 61 repealed, 1988, 23 § 9. (See 1988, 23 § 92.)

SECT. 63 revised, 1988, 23 § 10. (See 1988, 23 § 92.)

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SECTS. 78-102 added, 1986, 23 § 20.
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SECT. 40F ½, subsection (a), ninth paragraph revised, 1987, 157 § 1.
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Act submitted upon referendum after passage and repealed by the people at state election on November 8, 1988. This action revived section as most recently amended by 1987, 71 § 4.

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Act submitted upon referndum after passage and repealed by the people at state election on November 8, 1988. This action revived section as most recently amended by 1987, 71 § 5.

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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.)
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SECT. 18A revised, 1987, 537.
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SECT. 16A added, 1987, 759 § 1.
SECTS. 20-21 added, 1987, 727 § 9. (See 1987, 727 § 15.)

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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; three sentences added, 1987, 566 § 9; subsection (b), fourth to 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.

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SECT. 42, first paragraph amended, 1987, 174 § 1.
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SECT. 13, first sentence stricken out and two sentences inserted, 1987, 174 § 4.
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New chapter added, 1987, 584 § 3.

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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; section revised 1988, 199 § 3.
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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. 23B 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.)
SECT. 4 amended, 1988, 23 § 23. (See 1988, 23 § 92.)
SECT. 15 amended, 1988, 78 § 4.

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. 10B amended, 1988, 164 § 118.

SECT. 12F, caption preceding section 12F stricken out, 1988, 164 § 119; section amended, 164 § 120. (See 1988, 120 § 160.)

SECT. 12G amended, 1988, 164 § 121. (See 1988, 164 § 60.)

SECT. 12M, second paragraph stricken out and two paragraphs inserted, 1987, 516 § 1.

SECT. 18 amended, 1988, 164 §§ 122, 123. (See 1988, 164 § 160.)

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; fourth paragraph revised, 1988, 199 § 6.

Chapter 25B. — MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.

SECT. 2, definition of "Lamp" inserted, 1988, 95 § 1; definition of "Shop light" inserted, 1988, 156 § 1. (See 1988, 156 § 8.)

SECT. 3 revised, 1988, 95 § 2; section amended, 1988, 156 §§ 2, 3. (See 1988, 156 § 8.)

SECT. 4, first paragraph, sentence added, 1988, 156 § 4; paragraph added, 1988, 95 § 3. (See 1988, 156 § 8.)

SECT. 5 revised, 1988, 95 § 4; first sentence revised, 1988, 156 § 5. (See 1988, 156 § 8.)

SECT. 6 revised, 1988, 95 § 5.

SECT. 7 revised, 1988, 95 § 6.

Chapter 26. — Department of Banking and Insurance.

SECT. 8A amended, 1988, 227.

SECT. 8G, sixth paragraph revised, 1988, 273 § 3.

SECT. 8H, paragraph added, 1988, 23 § 24. (See 1988, 23 § 92.)

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; sentence inserted after second sentence, 1988, 36 § 3; sentence inserted after third sentence, 1987, 773 § 3; fourth sentence amended, 1988, 199 § 7; clause (9) revised, 1987, 610 § 1. (See 1988, 36 § 4.)

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. 9G added, 1988, 236 § 39. (See 1988, 236 § 61.)

SECT. 14, paragraph (b) amended, 1988, 236 § 40. (See 1988, 236 § 61.)

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.

SECT. 64B added, 1988, 319.

SECT. 64C added, 1988, 319.

Chapter 29A. — Financing the Judicial System.

SECT. 4, three paragraphs added, 1988, 203 § 2. (See 1988, 203 § 31.)

SECT. 6 added, 1988, 203 § 3. (See 1988, 203 § 31.)

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.
SECT. 11A ½, seventh paragraph, sentence added, 1988, 116 § 1.

Chapter 31. — Civil Service.

SECT. 26, seventh, eighth and ninth paragraphs revised, 1988, 330 § 1.
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. 4, subdivision (2), paragraph (b), sentence added, 1988, 172.
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; pargraph (d) revised, 1987, 697 § 80; paragraph (e) amended, 1987, 697 § 81; pargraph (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. 4, sentence added, 1988, 23 § 25. (See 1988, 23 § 92.)

SECT. 4A added, 1987, 199 § 138. (See 1987, 199 § 156.)

SECT. 10A, first paragraph revised, 1987, 697 §§ 109, 111.

SECT. 10D added, 1987, 303 § 37. (See 1987, 303 § 41.)

SECT. 10E added, 1987, 713.

SECT. 11A, two paragraphs added, 1988, 23 § 26. (See 1988, 23 § 92.)

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.
SECT. 9H, two paragraphs added, 1988, 23 § 27. (See 1988, 23 § 92.)
SECT. 15 revised, 1988, 82.

Chapter 33. — Militia.

Chapter 34. — Counties and County Commissioners.

SECT. 9G, seventh paragraph, sentence added, 1988, 116 § 2.
SECT. 14A added, 1987, 197.

Chapter 34A. — COUNTY CHARTER PROCEDURES.

SECT. 2 revised, 1988, 296 § 1.
SECT. 3, subsection (B), last sentence revised, 1987, 484 § 1.
SECT. 4, subsection (B), last sentence revised, 1987, 484 § 2.
SECT. 7, second paragraph, first and second sentences stricken out and one sentence inserted, 1988, 296 § 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; section revised, 1988, 296 § 3.
SECT. 15 amended, 1987, 484 § 7; subsection (B) amended, 1987, 484 § 8.
SECT. 16, subsection (A) amended, 1987, 484 § 9.

Chapter 35. — County Treasures, State Supervision of County Accounts and County Finances.

SECT. 35 amended, 1987, 737 § 1.
SECT. 35H added, 1987 697 § 3.

Chapter 36. — Registers of Deeds.

SECT. 24 revised, 1987, 675.

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SECT. 24, first paragrah amended, 1988, 109.

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Chapter 39. — Municipal Government.

SECT. 6A amended, 1987, 374 § 1. (See 1987, 374 § 3.)
SECT. 23A, definition of "Governmental body" revised, 1988, 116 § 3.

SECT. 23B amended, 1987, 159; seventh paragraph, sentence added, 1988, 116 § 4; section amended, 1988, 291.

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SECT. 3 amended, 1988, 15 § 53.
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.
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SECT. 21D, last paragraph amended, 1988, 199 § 8.
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SECT. 42J added, 1988, 42 § 2.
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; second sentence stricken out, 1988, 199 § 9. (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, 1988, 199 §§ 10, 10A.

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.

SECT. 7 amended, 1988, 78 § 5.

Chapter 40I. — THE BAY STATE SKILLS CORPORATION ACT.

SECT. 9 amended, 1988, 78 § 6.

Chapter 40J. — Massachusetts Technology Park Corporation.

SECT. 12 amended, 1988, 78 § 7.

Chapter 40K. — MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.

SECT. 8 amended, 1988, 78 § 8.

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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. 19F amended, 1988, 93.
SECT. 39C added, 1987, 378.
SECT. 81P amended, 1987, 122.
SECT. 81U, paragraph added after penultimate paragraph, 1987, 236; penultimate paragraph revised, 1988, 245.
SECT. 97F added, 1988, 232.
SECT. 98G added, 1987, 93 § 2. (See 1987, 93 § 3.)
SECT. 100G ¼ added, 1987, 176.
SECT. 101A added, 1987, 697 § 117.

Chapter 42. — Boundaries of Cities and Towns.

Chapter 43. — City Charters.

SECT. 38, last paragraph, second sentence revised, 1988, 296 § 4.
SECT. 39, clause (2) revised, 1988, 72 § 1.
SECT. 40, first sentence stricken out and two sentences inserted, 1988, 72 § 2.
SECT. 42 amended, 1988, 296 § 5.

Chapter 43A. — Standard Form of Representative Town Meeting Government.

SECT. 4, first paragraph revised, 1988, 296 § 6.

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SECT. 15, subsection (c) revised, 1988, 296 § 7.

Chapter 43C. — OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

New chapter inserted, 1987, 756.
SECT. 10, second paragraph revised, 1988, 199 § 11.

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; 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.

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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. — Infirmaires.

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Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

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SECT. 26 revised, 1988, 79 § 7.
SECT. 28 revised, 1987, 488.
SECT. 29B, last sentence stricken out, 1988, 296 § 7A.
SECT. 30, first sentence revised, 1988, 296 § 8; last sentence stricken out, 1988, 296 § 7B.
SECT. 32, first sentence revised, 1988, 296 § 8; last sentence stricken out, 1988, 79 § 8.
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SECT. 34, last sentence stricken out, 1988, 79 § 10; section amended, 1988, 296 § 10.
SECT. 37, last sentence stricken out, 1988, 296 10A.
SECT. 38, fourth sentence revised, 1988, 79 § 11.

SECT. 42 amended, 1988, 79 § 12.
SECT. 42B, first paragraph, last sentence stricken out, 1988, 296 § 10B.
SECT. 42C revised, 1988, 281.
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SECT. 60 amended, 1988, 79 § 19.
SECT. 61, second paragraph stricken out, 1988, 79 § 20.

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. 2 amended, 1988, 10 § 2.
SECT. 3 amended, 1988, 296 § 11.
SECT. 6, fourth sentence revised, 1988, 10 § 3.
SECT. 7, paragraph added, 1987, 128.
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SECT. 28, two paragraphs added, 1987, 598.
SECT. 34, sixth paragraph revised, 1987, 465 § 17; seventh paragraph, first sentence revised, 1987, 465 § 18; third sentence revised, 1988, 11 § 1. (See 1988, 11 § 7.)
SECT. 40 amended, 1988, 296 § 13.
SECT. 48, fourth, fifth and sixth paragraphs revised, 1987, 438 § 2; fifth paragraph amended, 1988, 296 § 14.
SECT. 70E, first paragraph amended, 1988, 296 § 15.
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Chapter 54. — Elections.

SECT. 2, first paragraph, sentence added, 1987, 115 § 1; last sentence revised, 1988, 296 § 16.
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SECT. 11, second sentence stricken out, 1988, 79 § 21.
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SECT. 42, second paragraph, second sentence revised, 1988, 11 § 3; paragraph inserted after second paragraph, 1988, 10 § 7; last paragraph, second sentence stricken out and two sentences inserted, 1988, 79 § 26; section amended, 1988, 296 § 22. (See 1988, 11 § 7.)
SECT. 43A, third paragraph, last sentence stricken out, 1987, 438 § 3.
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SECT. 98, sentence added, 1987, 438 § 7.
SECT. 101 repealed, 1987, 438 § 8.
SECT. 103C, sentence added, 1988, 71 § 2.
SECT. 105, first paragraph, third and fourth sentences revised, 1988, 79 § 29; second paragraph revised, 1988, 79 § 30.
SECT. 115 revised, 1988, 84 § 1. (See 1988, 84 § 3.)
SECT. 118, first sentence revised, 1988, 84 § 2. (See 1988, 84 § 3.)
SECT. 135, third paragraph, fourth sentence revised, 1987, 438 § 9.
SECT. 135 amended, 1987, 438 § 10.
SECT. 162 added, 1988, 10 § 8.

Chapter 54A. — Election of City and Town Officers by Proportional Representation and Preferential Voting.

Chapter 55. — Disclosure of Campaign Expenditures and Contributions and Election In quests.

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.
SECT. 19, subsection (a) amended, 1988, 296 § 23.
SECT. 24 amended, 1988, 10 § 9.

Chapter 55A. — Limited Public Financing of Campaigns for Statewide Elective Office.

Chapter 55B. — The State Ballot Law Commission.

SECT. 3 amended, 1988, 296 § 24.
SECT. 4, second paragraph, last sentence revised, 1988, 296 § 25.
SECT. 5, first paragraph revised, 1988, 296 § 26.
SECT. 7 revised, 1988, 296 § 27.
SECT. 9 revised, 1988, 296 § 28.

Chapter 56. — Violations of Elections Laws.

SECT. 59 revised, 1988 296 § 29.

SECT. 60 added, 1987, 146.

Chapter 57. — Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.

SECTS. 2 and 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; section revised, 1988, 11 § 4. (See 1988, 11 § 7.)

Chapter 58. — General Provisions relative to Taxation.

SECT. 1A, second paragraph, sentence inserted after second sentence, 1988, 200 § 1.

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.

SECTS. 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; clause Seventeenth C ½ inserted, 1988, 292 § 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; paragraph added, 1988, 42 § 3.

SECT. 5C, first paragraph amended, 1988, 200 § 2.

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. 8A, paragraph added, 1988, 43 §

SECT. 20, first paragraph stricken out and two paragraphs inserted, 1987, 737 § 6.

SECT. 20B amended, 1988, 90.

SECT. 21A ½ added, 1987, 469.

SECT. 21C, paragraph (f) amended, 1988, 276 § 1; paragraph (g) revised, 1987, 229 § 1; paragraph (h) revised, 1987, 229 § 2.

SECT. 21D amended, 1988, 276 § 2.

SECT. 23, second paragraph revised, 1988, 73.
SECT. 23D added, 1987, 463 § 1;

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. 57 first sentence revised, 1988, 43 § 2; amended, 1988, 43 § 3; fifth, sixth and seventh sentences stricken out and two sentences inserted, 1988, 43 § 4.
SECT. 57B added, 1987, 402 § 1.
SECT. 58A added, 1987, 376.
SECT. 59, third paragraph revised, 1987, 758 § 5.
SECT. 60, last paragraph revised, 1988, 43 § 5.
SECT. 69, last sentence revised, 1988, 43 § 6.

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 Property Tax.

SECT. 1 amended, 1988, 43 §§ 7, 8, 9.
SECT. 7 added, 1988, 43 § 10.

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, 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. 1, paragraph (c) revised, 1988, 106 § 1; paragraph (e) revised, 1988, 106 § 2; 202 § 1; paragraph (i) revised, 1988, 106 § 3. (See 1988, 202 § 33.)

SECT. 2, subsection (a) amended, 1988, 106 § 4; paragraph (1), subparagraph (B) stricken out, 1988, 106 § 5; subparagraph (E) inserted, 1988, 202 § 2; subparagraph (H) stricken out, 1988, 106 § 6; paragraph (2), subparagraph (B) inserted, 1988, 202 § 3; subsection (c), paragraph (3) revised, 1988 106 § 7; subsection (d) revised, 1988, 106 § 8; paragraph (1), subparagraph (J) inserted, 1988, 202 § 4. (See 1988, 202 § 33.)

SECT. 3, Part B, paragraph (b), subparagraphs (3) and (4) revised, 1988, 106 § 9.

SECT. 5, paragraph (a), sentence added, 1988, 106 § 10.

SECT. 6, subsection (a), sentence added, 1988, 106 § 11; subsection (f) inserted, 1988, 23 § 28; second, third, and fourth paragraphs revised, 1988, 236 § 41. (See 1988, 23 § 28; 236 § 41.)

SECT. 8, first sentence revised, 1988, 106 § 12; paragraph (b), first sentence, clause (v) revised, 1988, 202 § 5. (See 1988, 202 § 33.)

SECT. 17A, subsection (e) added, 1988, 202 § 6. (See 1988, 202 § 33.)

SECT. 25, paragraph added, 1988, 106 § 13.

SECT. 63, paragraph (b), clause (3) amended, 1988, 106 § 14; paragraph (d) amended, 1988, 106 § 15.

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.

SECT. 24, paragraph added, 1988, 202 § 7. (See 1988, 202 § 33.)

SECT. 26, subsections (h) and (i) added, 1988, 202 § 8. (See 1988, 202 § 33.)

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; section 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 63. — Taxation of Corporations.

SECTS. 31D-31F added, 1987, 736.
SECT. 7A added, 1987, 490 § 9.
SECTS. 11-12 added, 1987, 490 § 10.
SECT. 30, paragraph (5), clause (b) amended, 1988, 202 § 9; subclause (ii) revised, 1988, 202 § 10; paragraph (9), sentence added, 1988, 202 § 11. (See 1988, 202 § 33.)
SECT. 31A, paragraph (a) amended, 1988, 202 § 12; paragraph (h) added, 1988, 202 § 13. (See 1988, 202 § 33.)
SECT. 31E added, 1988, 23 § 29; paragraph (c) revised, 1988, 199 § 12; section repealed, 1988, 236 § 42. (See 1988, 23 § 92; 236 § 61.)
SECT. 31G added, 1988, 236 § 43. (See 1988, 236 § 61.)
SECT. 32, subsection (b) revised, 1988, 202 § 14. (See 1988, 202 § 33.)
SECT. 32B, two paragraphs added, 1988, 202 § 15. (See 1988, 202 § 33.)
SECT. 32D, first sentence stricken out and three sentences inserted, 1988, 202 § 16. (See 1988, 202 § 33.)
SECT. 38, subsection (a), clause (1) revised, 1988, 202 § 17. (See 1988, 202 § 33.)
SECT. 39, subsection (b) revised, 1988, 202 § 18. (See 1988, 202 § 33.)

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. 1 revised, 1988, 31 § 1.

SECT. 2 revised, 1987, 581 § 1; first paragraph revised, 1988, 31 § 2. (See 1987, 581 § 3.)

SECT. 3, first sentence revised, 1988, 31 § 3.

SECT. 3A, first sentence revised, 1988, 31 § 4.

SECT. 6 revised, 1988, 31 § 5.

Chapter 64H. — Tax on Retail Sales of Certain Tangible Personal Property.

SECT. 1, paragraph (5), first sentence revised, 1988, 202 § 19. (See 1988, 202 § 33.)

SECT. 6, paragraph (g) revised, 1988, 86; paragrah (h), definition of "Restaurant" amended, 1988, 31 § 6; paragraph (cc) revised, 1987, 581 § 2; paragraph (ll) added, 1987, 608. (See 1987, 581 § 3.)

Chapter 64I. — Tax on storage, Use or Other Consumption of Certain Tangible PersonalProperty.

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.

SECT. 5 revised, 1988, 164 § 124. (See 1988, 164 § 160.)

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. 14E added, 1988, 10 § 10.

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; two sentences inserted after first sentence 1988, 199 § 14; paragraph added, 1988, 199 § 15.

SECT. 16C, first paragraph, first sentence stricken out and two sentences inserted 1987, 767 § 2.

SECT. 16D, subsection (d) added, 1987, 730.

SECT. 16G ½ added, 1988, 225.

SECT. 37B revised, 1987, 348 § 2.

SECT. 37H, paragraph added, 1987, 285.

SECT. 37L added, 1987, 439.

SECT. 38, second paragraph, first and second sentences revised, 1988, 153 § 1.

SECT. 38M, paragraph added, 1987, 164.

SECT. 40, first and second sentences revised, 1987, 727 § 10; paragraph added, 1987, 727 § 11; revised, 1988, 7 § 3. (See 1987, 727 § 15.)

SECT. 41, second paragraph revised, 1988, 153 § 2.

SECT. 41A revised, 1988, 153 § 3.

SECT. 42, first sentence revised, 1988, 153 § 4; third sentence revised, 1988, 153 § 5; last sentence revised, 1988, 153 § 6.

SECT. 42D, first paragraph revised, 1988, 153 § 7.

SECT. 43, second sentence revised, 1988, 153 § 8.
SECT. 43A, first paragraph revised, 1988, 153 § 9.
SECT. 43B revised, 1988, 153 § 10.
SECT. 57, paragraph added, 1987, 643 § 1.
SECT. 86 revised, 1988, 137.

Chapter 72. — School Registers and Returns.

Chapter 73. — State Colleges and Community Colleges. (Former title, State Teachers Colleges and Community Colleges.)

SECT. 1B amended, 1988, 78 § 9.
SECT. 10 amended, 1988, 78 § 10.
SECT. 14A repealed, 1987, 199 § 39. (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. 21A revised, 1988, 326 § 1.
SECT. 22D revised, 1987, 731 § 5A.
SECT. 24 revised, 1987, 731 § 6.
SECT. 24B added, 1987, 731 § 6A.
SECT. 42H amended, 1988, 78 § 11.
SECT. 46B amended, 1988, 78 § 12.

Chapter 75. — University of Massachusetts. (Former title, Massachusetts State College.)

Chapter 75A. — University of Lowell. (Former title, Lowell Technological Institute of Massachusetts.)

SECT. 4 amended, 1988, 78 § 13.
SECT. 9 repealed, 1987, 199 § 140. (See 1987, 199 § 156.)
SECT. 22 amended, 1988, 78 § 14.

Chapter 75B. — Southeastern Massachusetts University. (Former title, South Eastern Massachusetts University.) (Former title Southeastern Massachusetts Technological Institute.)

SECT. 4 amended, 1988, 78 § 15.

Chapter 75C. — Private Correspondence Schools.

Chapter 75D. — Private Business Schools.

Chapter 76. — School Attendence.

Chapter 77. — School Offenders and County Training Schools.

Chapter 78. — Libraries.

SECT. 7, two sentences added, 1988, 180 § 2.
SECT. 19A revised, 1987, 478 § 1.
SECT. 19B, clauses (4)-(7), inclusive, 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. 19H, definition of "Public library facility" revised, 1988, 164 § 125.
SECT. 25, paragraph added, 1987, 478 § 6.

Chapter 79. — Eminent Domain.

Chapter 79A. — Relocation Assistance.

Chapter 80. — Betterments.

SECT. 4 amended, 1988, 15 § 54.
SECT. 13, first sentence stricken out, 1988, 15 § 55; sentence inserted after third sentence, 1988, 15 § 56.
SECT. 13B, first paragraph amended, 1988, 15 § 57; second sentence stricken out and two sentences inserted, 1988, 15 § 58; third paragraph, last sentence stricken out and two sentences inserted, 1988, 15 § 59.

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.)
SECT. 21, last two sentences stricken out and two paragraphs inserted, 1988, 15 § 60.

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.
SECT. 16G added, 1988, 42 § 4.

Chapter 84. — Repair of Ways and Bridges.

Chapter 85. — Regulations and By Laws to Ways and Bridges.

SECT. 2, clause (6) stricken out and clauses (6) and (7) inserted 1987, 741 § 2; sentence inserted after fifth sentence, 1988, 58.

SECT. 2B amended, 1988, 202 § 20. (See 1988, 202 § 33.)

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. 8 amended, 1988, 202 § 21. (See 1988, 202 § 33.)
SECT. 9, last paragraph revised, 1987, 90.

Chapter 90. — Motor Vehicles and Aircraft.

SECT. 1B, two paragraphs added, 1988, 202 § 22. (See 1988, 202 § 33.)
SECT. 2, seventh paragraph, sentence inserted after first sentence, 1988, 221 § 1; seventh paragraph amended, 1988, 221 § 2.
SECT. 7, paragraph inserted after first paragraph, 1987, 39 § 1. (See 1987, 39 § 2.)
SECT. 7A, second paragraph revised, 1987, 77; third paragraph, two sentences added, 1988, 150.
SECT. 7B, clause (11) revised, 1988, 162.
SECT. 7N amended, 1987, 470.
SECT. 7N ¼ added, 1987, 289 § 1. (See 1987, 289 § 3.)
SECT. 7R ½ added, 1988, 335.
SECT. 7AA, first paragraph stricken out and two paragraphs inserted, 1987, 68.
SECT. 7CC added, 1987, 471.
SECT. 8 amended, 1987, 465 § 19.
SECT. 8A, first paragraph revised, 1988, 257 § 1; first paragraph, second sentence stricken out and two sentences inserted, 1988, 257 § 2.
SECT. 11, first sentence revised, 1987 173.
SECT. 14 amended, 1987, 465 § 20.
SECT. 14B, last paragraph revised, 1988, 202 § 23. (See 1988, 202 § 33.)
SECT. 15, last sentence revised, 1987, 501 § 1.
SECT. 19 amended, 1988, 175.
SECT. 20 amended, 1987, 83 § 1; first paragraph amended, 1988, 202 § 24; second paragraph revised, 202 § 25. (See 1988, 202 § 33.)
SECT. 20A ½ amended, 1988, 179.
SECT. 21, first paragraph revised, 1987, 83 § 2.
SECT. 24H, first paragraph, third sentence stricken out, 1988, 273 § 4; second paragraph, second sentence stricken out, 1988, 273 § 5; third paragraph, first sentence stricken out, 1988, 273 § 6; second sentence amended, 1988, 273 § 7. (See 1988, 273 § 77.)

SECT. 25 amended, 1988, 273 YSM 8; section amended 1988, 282 § 1. (See 1988, 273 § 77.)

SECT. 27, second sentence revised, 1987, 399 § 1.

SECT. 29, sentence inserted after second sentence, 1987, 697 § 120.

SECT. 30A amended, 1988, 273 § 9; section amended, 1988, 282 § 2. (See 1988, 273 § 77.)

SECT. 30B added, 1988, 273 § 10. (See 1988, 273 § 77.)

SECT. 34, first paragraph, first sentence revised, 1988, 251.

SECT. 34A amended, 1988, 273 §§ 11, 12, 13, 14; definition of "Personal injury protection" amended, 1988, 273 § 15; paragraph added, 1988, 273 § 16. (See 1988, 273 § 75; 273 § 76; 273 § 77.)

SECT. 34B, paragraph inserted after second paragraph, 1988, 282 § 3.

SECT. 34H amended, 1988, 282 § 4.

SECT. 34J amended, 1988, 273 § 17; two paragraphs added, 1988, 273 § 18. (See 1988, 273 § 77.)

SECT. 34M, sixth paragraph amended, 1988, 273 § 19. (See 1988, 273 § 77.)

SECT. 34O, paragraph added, 1987, 189; section amended, 1988, 273 § 20; sixth paragraph, sentence added, 1988, 273 § 21; paragraph added, 1988, 273 § 22; eighth paragraph revised, 1988, 273 § 23; *tenth* paragraph revised, 1988, 273 § 24; last paragraph, first and second sentences revised, 1988, 273 § 25. (See 1988, 273 § 77.)

SECT. 34Q added, 1988, 273 § 26.

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; section amended, 1988, 164 § 126.

SECT. 3, subsection (B), second paragraph revised, 1987, 399 § 3.

Chapter 90D. — Motor Vehicle Certificate of Title.

SECT. 1, definition of "Total loss salvage motor vehicle" inserted, 1988, 273 § 27. (See 1988, 273 § 77.)

SECT. 17, paragraph (d) stricken out, 1988, 273 § 28. (See 1988, 273 § 77.)

SECT. 20 stricken out and sections 20 to 20E, inclusive, added, 1988, 273 § 29.

SECT. 28, clause (1) revised, 1988, 273 § 30. (See 1988, 273 § 77.)

SECT. 32 revised, 1988, 273 § 31.

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.
(Former title, 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-68B 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. 6 amended, 1988, 289 §§ 1, 2, 3.
SECT. 9, subsection (3), sentence added, 1987, 664 § 3.

Chapter 93B. — Regulation of Business Practices Between Motor Vehicle Manufactures, 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, 954 § 3.
SECT. 10E ½ added, 1987 594 § 4.
SECT. 10F amended, 1987, 594 § 5.
SECT. 12, first paragraph revised, 1987, 446.
SECT. 15, first paragraph revised, 1987, 446.
SECTS. 152A, 152B, 152D, 152E, 152F, 152G, 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. 277C added, 1988, 204.
SECT. 305C revised, 1987, 757 § 1.
SECT. 305E added, 1987, 757 § 2.
SECT. 328 amended, 1988, 183 § 1; paragraph added, 1988, 183 § 2.

Chapter 94B. — Hazardous Substances.

Chapter 94C. — Controlled Substances Act.

SECT. 18, paragraph (c) revised, 1987, 347.
SECT. 21, paragraph added, 1988, 277.
SECT. 32A amended, 1988, 125 § 1; subsection (d) added, 1988, 125 § 2.
SECT. 32E, paragraph (b) revised, 1988, 124.
SECT. 32F, subsection (d) added, 1988, 125 § 3.
SECT. 32H amended, 1988, 125 § 4.
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 100A. — MOTOR VEHICLE DAMAGE REPAIR SHOPS.

New chapter inserted, 1988, 273 § 32. (See 1988, 273 § 77.)

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.

SECT. 1, paragraph (1) revised, 1988, 286 § 1; paragraph (6) revised, 1988, 286 § 2. (See 1988, 286, § 23.)

SECT. 5 revised, 1988, 286 § 3. (See 1988, 286, § 23.)

SECT. 8, subsection (a) revised, 1988, 286 § 4. (See 1988, 286, § 23.)

SECT. 9, subsection (b), clauses 1 to 4, inclusive, stricken out and clauses 1, 2, and 3 inserted, 1988, 286 § 5; subsection (c) revised, 1988, 286 § 6; subsection (f) added, 1988, 286 § 7. (See 1988, 286 § 23.)

SECT. 11, subsections (a) and (b) revised, 1988, 286 § 8. (See 1988, 286, § 23.)

SECT. 12 revised, 1988, 286 § 9. (See 1988, 286, § 23.)

SECT. 15 revised, 1988, 286 § 10. (See 1988, 286, § 23.)

SECT. 17 revised, 1988, 286 § 11. (See 1988, 286 § 23.)

SECT. 18 revised, 1988, 286 § 11.

SECT. 19, subsections (a) and (b) revised, 1988, 286 § 12. (See 1988, 286 § 23.)

SECT. 20, subsection (b) revised, 1988, 286 § 13. (See 1988, 286 § 23.)
SECT. 22 revised, 1988, 286 § 14. (See 1988, 286 § 23.)
SECT. 23, clauses (4) and (5) revised, 1988, 286 § 15. (See 1988, 286 § 23.)
SECTS 28-31 revised, 1988, 286 § 16. (See 1988, 286 § 23.)
SECT. 33 revised, 1988, 286 § 17. (See 1988, 286 § 23.)
SECT. 35 revised, 1988, 286 § 18. (See 1988, 286 § 23.)
SECT. 38, subsection (c) revised, 1988, 286 § 19. (See 1988, 286 § 23.)
SECT. 42, subsections (a) and (b) revised, 1988, 286 § 20. (See 1988, 286 § 23.)
SECT. 44 revised, 1988, 286 § 21. (See 1988, 286 § 23.)
SECT. 49, second paragraph, clauses (6) and (7) stricken out and clauses (6),(7), and (8) inserted, 1988, 286 § 22. (See 1988, 286 § 23.)

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. 4J, first two paragraphs stricken out and one paragraph inserted, 1988, 23 § 30.
SECT.5B repealed, 1987, 549 § 3. (See 1987, 549 § 10.)
SECTS. 5M-5P added, 1987, 549 § 4. (See 1987, 549 § 10.)
SECT. 5N amended 1988, 199 §§ 16, 16A.
SECT. 24D added, 1988, 23 § 31. (See 1988, 31 § 92.)

SECT. 25B, definition of "Substantial capital expenditures" and "Substantial change in services" stricken out and twelve definitions inserted, 1988, 23 § 32; amended, 1988, 23 § 33. (See 1988, 23 § 92.)

SECT. 25B ½ added, 1988, 23 § 34. (See 1988, 23 § 92.)

SECT. 25C ½, subsection (a), clause (4) added, 1988, 23 § 35. (See 1988, 23 § 92.)

SECT. 25G, second sentence revised, 1988, 23 § 36. (See 1988, 23 § 92.)

SECT. 25I amended, 1988, 23 § 37. (See 1988, 23 § 92.)

SECT. 26G added, 1988, 121.

SECT. 51, second paragraph amended, 1988, 164 § 127; two paragraphs inserted after second paragraph, 1988, 23 § 38; third paragraph, sentence added, 1988, 236 § 44. (See 1988, 23 § 92; 236 § 61.)

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. 72Y added, 1988, 164 § 128.

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. 197, paragraph (b) amended, 1988, 199 § 17.

SECT. 197B amended, 1988, 199 § 18.

SECT. 199, last sentence revised, 1988, 199 § 19.

SECT. 203 revised, 1987, 332.
SECT. 204, paragraphs (a) and (b) revised, 1987, 467 § 3; subsection (e) inserted, 1987, 579 § 2.
SECT. 205 added, 1987, 579 § 3, revised, 1988, 199 § 19
SECT. 205 added, 1987, 697 § 121; section stricken out, 1988, 199 § 20.
SECT. 206 added, 1988, 199 § 20.

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; clauses (12) to (16), inclusive, revised 1988, 199 § 21.

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 inserted, 1987, 549 § 5. (See 1987, 549 § 10.)
SECT. 12, paragraph (b), clause (1) revised, 1988, 199 § 22.
SECT. 15, clause (b) amended, 1988, 199 § 23.
SECT. 30, paragraph (a) amended, 1988, 199 § 24.
SECT. 38, paragraph (b) amended, 1988, 199 § 25.
SECT. 40, paragraph (b) amended, 1988, 199 § 26; paragraph (c) amended, 1988, 199 § 27.

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. 23P ½ added, 1987, 440 § 2. (See 1987, 440 § 3.)
SECT. 27, second sentence revised, 1987, 414.
SECT. 38 stricken out and sections 38 and 39 inserted, 1987, 349.
SECT. 39 revised, 1987, 465 § 22.
SECT. 50, two paragraphs added, 1988, 89.
SECT. 51, first paragraph revised, 1988, 114.
SECT. 52A, sentence inserted after first sentence, 1987, 271.

SECT. 52F added, 1987, 454.

SECT. 56A, first paragraph, second sentence revised, 1988, 148 § 1; second paragraph, second sentence revised, 1988, 148 § 2.

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. 73B revised, 1988, 69.

SECT. 74, first sentence revised, 1987, 692 § 1.

SECT. 80C revised, 1987, 182.

SECT. 80F added, 1987, 692 § 2.

SECT. 87A ½ amended, 1988, 107.

SECT. 87XXX amended, 1988, 219 § 1.

SECTS. 118-129 revised, 1987, 734 § 2.

SECT. 135, paragraph (e) amended, 1987, 398 § 1; first paragraph, clause (f) amended, 1987, 549 § 5. (See 1987, 549 § 10.)

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. — Veteran's Benefits. (Former title, State and Military Aid, Soldier's 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. — Soldier's 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; third paragraph revised, 1988, 164 § 129.

SECT. 1A inserted, 1988, 23 § 39. (See 1988, 23 § 92.)

Chapter 118. — Aid to Families with Dependent Children. (Former title, Aid to Dependent Children.)

SECT. 2 amended, 1987, 522 § 4; second paragraph amended, 1988, 199 § 28.

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.

SECTS. 1A-1B added, 1988, 23 § 40. (See 1988, 23 § 92.)
SECT. 1B added, 1988, 23 § 40; section revised, 1988, 164 § 130.
SECT. 6, three paragraphs added, 1987, 716 § 1.
SECTS. 6A and 6B added, 1988, 23 § 41. (See 1988, 23 § 92.)
SECT. 10, last paragraph, two sentences added, 1988, 23 § 42. (See 1988, 23 § 92.)
SECT. 18 amended, 1988, 23 § 43. (See 1988, 23 § 92.)
SECT. 19 amended, 1988, 23 § 44. (See 1988, 23 § 92.)

Chapter 118F. — DEPARTMENT OF MEDICAL SECURITY.

New chapter added, 1988, 23 § 45. (See 1988, 23 § 92.)
SECT. 19, paragraph (4), clause (c) stricken out, 1988, 236 § 45; paragraph (6), sentence added, 1988, 236 § 46. (See 1988, 236 § 61.)

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECT. 23, subparagraph A, sentence inserted after first sentence, 1988, 128.
SECT. 39G, clause (c), sentence added, 1988, 170.

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. 7, third paragraph amended, 1988, 147.

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.

SECT. 56 amended, 1988, 164 § 131. (See 1988, 164 § 160.)

SECT. 57, second paragraph amended, 1988, 164 § 132. (See 1988, 164 § 160.)

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. 12, paragraph (e) revised, 1988, 1 § 10. (See 1988, 1 § 12.)

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, 468 § 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. 90A amended, 1988, 24.
SECT. 144 amended, 1987, 114 § 1.
SECT. 145 revised, 1987, 114 § 2.
SECT. 146 amended, 1987, 114 § 3; 465 § 29.

Chapter 128. — Agriculture.

SECT. 1A amended, 1987, 253.
SECT. 113 amended, 1988, 78 § 16.

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. 8, second paragraph stricken out, 1988, 236 § 47. (See 1988, 236 § 61.)
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 Crustacean 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 Resourses. (Former title, Powers and Duties of the Division of Fisheries and Game.)

SECT. 2 amended, 1988, 294 § 1.

SECT. 12 amended, 1987, 525 § 67. (See 1987, 525 § 88.)

SECT. 22A added, 1988, 294 § 2.

SECT. 40, first paragraph, fifth sentence stricken out and two sentences inserted, 1988, 202 § 26; last paragraph revised, 1987, 174 § 19; section amended, 1987, 465 § 30. (See 1988, 202 § 33.)

SECT. 40A, fifth paragraph, two sentences added, 1987, 174 § 20.

SECT. 66 amended, 1988, 193.

SECT. 72, sixth sentence revised, 1988, 294 § 3.

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 (50), first paragraph, sentence added, 1988, 311 § 1; clause (51) added, 1987, 162.

SECT. 7, first paragraph, sentence added, 1988, 311 § 2.

SECT. 13 revised, 1988, 311 § 3.

SECT. 15, third paragraph, sentence added, 1988, 311 § 4.

Chapter 137. — Gaming.

Chapter 138. — Alcoholic Liquors. (Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)

SECT. 2, second sentence revised, 1987, 496 § 1.

SECT. 12, first paragraph amended, 1988, 158 § 1; sixth paragraph, first sentence revised, 1987, 147 § 1; paragraph inserted after sixth paragraph, 1988, 158 § 2.

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. 34 amended, 1988, 149.

SECT. 34A amended, 1988, 85.

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; second paragraph, fourth sentence amended, 1988, 199 § 29.

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. (See 1987, 331 § 3.)

SECT. 136A, definition of "Shelter" added, 1987, 331 § 1.

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; section amended, 1988, 199 § 30.

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.
SECT. 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. — Supervisor 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. 710, 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; fourth and fifth paragaraphs revised, 1988, 157 § 2.
SECT. 28, clause (2) revised, 1987, 632.

Chapter 149. — Labor and Industries.

SECT. 6 amended, 1987, 559 § 1.
SECT. 6C amended, 1988, 332 §§ 1, 2.

SECT. 6E amended, 1988, 332 §§ 3, 4.
SECT. 6G added, 1988, 191.
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. 44A, subsection (1), definitions of "Modular Building" and "Procument" added, 1988, 210 § 3; subsection (1) amended, 1988, 210 § 4; subsection (2), paragraph added, 1988, 210 § 5; subsection (4), first paragraph revised, 1988, 210 § 6. (See 1988, 210 § 11.)
SECT. 44C, paragraph (a), subsection (3), clause (v) revised, 1987, 691 § 2.
SECT. 44D, subsection (1), paragraph (a) revised, 1988, 210 § 7; subsection (6) paragraph added, 1988, 210 § 8. (See 1988, 210 § 11.)
SECT. 44E, subsection (4) added, 1988, 210 § 9. (See 1988, 210 § 11.)
SECT. 44J, subsection (1), first sentence revised, 1988, 210 § 10. (See 1988, 210 § 11.)
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 § 16.
SECT. 65 amended, 1988, 146.
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. 150A revised, 1988, 169.
SECT. 150B amended, 1987, 559 § 30.
SECT. 150C added, 1987, 635.
SECT. 159A amended, 1987, 559 § 31.
SECT. 177B added, 1988, 278.
SECT. 180 amended, 1987, 559 § 32.
SECT. 180A revised, 1988, 311 § 5.

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. 8, sentence added, 1988, 186 § 1. (See 1988, 186 § 2.)
SECT. 11 fourth paragraph, sentence 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. 14G added, 1988, 23 § 46. (See 1987, 473 § 4.)

SECT. 29 amended, 1987, 465 § 35; 1987, 465 § 36. (See 1987, 465 §§ 75, 76.)

SECT. 29D added, 1987, 663 § 2; section repealed, 1987, 663 § 3; (See 1987, 663 § 4.)

SECT. 71A, definition of "Advance notification" revised, 1987, 199 § 141; 465 § 37; definition of "Facility" amended, 1988, 23 § 47. (See 1987, 199 § 156; 1988, 23 § 92.)

Chapter 151B. — Unlawful Discrimination Because Of Race, Color, Religious Creed, National Origin, Ancestry Or Sex. (Former title, Unlawful DiscriminationA 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.

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; amended, 1988, 78 § 17; subsection (4), paragraph (a) revised, 1988, 236 § 48; subsection (6) amended, 1988, 49; sentence inserted after third sentence, 1988, 236 § 50. (See 1988, 236 § 61.)

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 Cooperations.

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.

SECT. 3, paragraph (b) amended, 1988, 164 § 133.
SECT. 10 amended, 1988, 164 § 134.
SECT. 12A amended, 1988, 164 § 135.
SECT. 14 amended, 1988, 164 § 136.
SECT. 14A amended, 1988, 164 § 137.

Chapter 160. — Railroads.

SECT. 218 revised, 1987, 501 § 3.
SECT. 220 revised, 1987, 501 § 4.

Chapter 161. — Street Railways.

Chapter 161A. — Massachusetts Bay Transit Authority.

SECT. 17 amended, 1988, 78 § 18.
SECT. 23, third paragraph revised, 1988, 15 § 61.
SECT. 28, first paragraph, second sentence revised, 1988, 15 § 62.

Chapter 161B. — Transportation Facilities, Highway Systems and Urban Development Plan.

SECT. 12 amended, 1988, 78 § 19.

Chapter 161C. — Rail Transportation in the Commonwealth.

SECT. 4, paragraph added, 1988, 15 § 63.

Chapter 161D. — THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

SECT. 4, clause (7) revised, 1988, 15 § 64.

Chapter 162. — Electric Railroads.

Chapter 163. — Trackless Trolley Companies.

Chapter 164. — Manufacture and Sale of Gas and Electricity.

SECT. 8C revised, 1988, 323.
SECT. 69R amended, 1988, 133.

Chapter 164A. — New England Power Pool.

Chapter 165. — Water and Aqueduct Companies.

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 32 amended, 1988, 118.

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.
SECT. 35 revised, 1988, 216. (See 1988, 216 § 2.)

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; paragraph 16 revised, 1988, 303 § 1; paragraph 17, first paragraph revised, 1988, 303 § 2. (See 1988, 303 § 12.)

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. 13, first sentence revised, 1988, 177.

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; section amended 1988, 176 §§ 1, 2.

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; section amended, 1988, 113.

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 3, paragraph inserted after second paragraph, 1987, 34 § 3.

Chapter 172A. — Banking Companies.

Chapter 173. — Mortgage Loan 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; paragraph added, 1988, 23 § 48. (See 1988, 23 § 92.)

SECT. 47G added, 1987, 363 § 1.

SECT. 47H added, 1987, 394.

SECT. 47I added, 1987, 683 § 1.

SECT. 99C added, 1987, 263.

SECT. 102 added, 1987, 233.

SECT. 108D, last sentence stricken out, 1987, 711 § 1.

SECT. 110, subdivision (A), first sentence, clause (j) revised, 1988, 303 § 3; subdivision (L) inserted, 1987, 363 § 2. (See 1988, 303 § 12.)

SECT. 110I, subsections (d) and (e) added, 1988, 23 § 49. (See 1988, 23 § 92.)

SECT. 113A, provision (2) (A), paragraph added, 1987, 255.

SECT. 113B, first paragraph amended, 1988, 273 §§ 33, 34; paragraph inserted after first paragraph, 1988, 273 § 35; sixth and seventh paragraphs revised, 1988, 273 § 36; paragraph inserted after eighth paragraph, 1988, 273 § 37; ninth and tenth paragraphs stricken out and

three paragraphs inserted, 1988, 273 § 38; paragraph inserted after eleventh paragraph, 1988, 273 § 45. (See 1988, 273 § 77.)

SECT. 113H, third paragraph, subsection (A), clause (7) amended, 1988, 273 § 39, 40; subsection (c), paragraph inserted after second paragraph; 1988, 273 § 41; subsection (D), last paragraph revised, 1988, 273 § 42; subsection (E), paragraph inserted after seventh paragraph, 1988, 273 § 43; paragraph added, 1988, 273 § 44. (See 1988, 273 § 77.)

SECT. 113L, paragraphs (1) and (2) revised, 1988, 273 § 46; paragraph added, 1988 273 § 47. (See 1988, 273 § 77.)

SECT. 113O, first paragraph, second sentence revised, 1988, 273 § 48; sentence inserted after second sentence, 1988, 273 § 49; third sentence revised, 1988, 273 § 50; second paragraph stricken out and three paragraphs inserted, 1988, 273 § 51; third paragraph, first sentence revised, 1988, 273 § 52; last sentence stricken out and two sentences inserted, 1987, 44 § 1. (See 1988, 273 § 77.)

SECTS. 113S-113T added, 1988, 273 § 53. (See 1988, 273 § 77.)

SECT. 117C added, 1988, 303 § 4. (See 1988, 303 § 12.)

SECT. 133, first paragraph, clause (c) revised, 1988, 303 § 5. (See 1988, 303 § 12.)

SECT. 162F added, 1988, 229.

SECT. 174E, first and second paragraphs revised, 1987, 262.

SECT. 177, fourth sentence stricken out and two sentences inserted, 1988, 303 § 6. (See 1988, 303 § 12.)

SECT. 184, second sentence, clause (4) revised, 1988, 303 § 7. (See 1988, 303 § 12.)

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.

SECT. 2 revised, 1988, 302 § 1.

SECT. 4 amended, 1988, 302 § 2.

SECT. 5, paragraph (1), clause (a) revised, 1988, 302 § 3.

Chapter 175E. — Regulation of Rates for Optional Motor Vehicle Insurance.

SECT. 11A added, 1988, 273 § 54. (See 1988, 273 § 77.)

Chapter 175F. — Medical Malpractice Self-Insurance Trust Funds.

Chapter 175G. — POLLUTION LIABILITY REINSURANCE CORPORATION.

New chapter inserted, 1987, 650 § 2.

SECT. 2, fifth paragraph, clause (iii) amended, 1988, 199 § 30A.

Chapter 175H. — FALSE HEALTH CARE CLAIMS.

New chapter added, 1988, 295.

Chapter 176. — Fraternal Benefit Societies.

Chapter 176A. — Non Profit Hospital Service Corporations.

SECT. 1A, two paragraphs added, 1987, 621 § 1.

SECT. 5, sixth to ninth paragraphs revised, 1988, 23 § 50; section amended, 1988, 23 § 51. (See 1988, 23 § 92.)

SECT. 8A, paragraph (c) revised, 1987, 465 § 47.

SECT. 8B, sentence inserted after fourth sentence, 1987, 773 § 13; paragraph added, 1988, 23 § 52. (See 1988, 23 § 92.)

SECT. 8F, paragraphs (d) and (e) added, 1988, 23 § 53. (See 1988, 23 § 92.)

SECT. 8J added, 1987, 363 § 3; section 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.

SECT. 10A added, 1988, 23 § 54. (See 1988, 23 § 92.)

Chapter 176B. — Medical Service Corporations.

SECT. 1, definition of "Nonparticipating provider" inserted, 1988, 23 § 55; definition of "Nonprofit medical service plan" revised, 1988, 23 § 56. (See 1988, 23 § 92.)

SECT. 3, first paragraph revised, 1988, 23 § 57; three paragraphs added, 1988, 23 § 58. (See 1988, 23 § 92.)

SECT. 4, first paragraph revised, 1988, 23 § 59; two paragraphs inserted after third paragraph, 1987, 621 § 3; paragraph inserted after fifth paragraph, 1987, 621 § 4. (See 1988, 23 § 92.)

SECT. 4B, paragraphs (d) and (e) added, 1988, 23 § 61. (See 1988, 23 § 92.)

SECT. 4C, sentence inserted after third sentence, 1987, 773 § 14; paragraph added, 1988, 23 § 60. (See 1988, 23 § 92.)

SECT. 4G added, 1987, 363 § 4; stricken out, 1987, 465 § 49; two paragraphs inserted after third paragraph, 1987, 621 § 3; paragraph inserted after fifth paragraph, 1987, 621 § 4.

SECT. 4I added, 1987, 394 § 3; 465 § 49; section repealed, 1988, 199 § 31.

SECT. 4J added, 1987, 394 § 3; 465 § 49.

SECT. 4K added, 1987, 683 § 3.

SECT. 4K added, 1987, 711 § 2; stricken out, 1988, 199 § 32.

SECT. 6B, paragraphs (d) and (e) added, 1988, 23 § 61.
SECT. 7 two paragraphs inserted after first paragraph, 1988, 21; four paragraphs inserted, 1988, 23 § 62. (See 1988, 23 § 92.)
SECT. 12, first paragraph, sentence added, 1988, 23 § 63. (See 1988, 23 § 92.)

Chapter 176C. — Non-Profit Medical Service Plans.

Chapter 176D. — UNFAIR PRACTICES AND UNFAIR DECEPTION 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. 5A, paragraphs (d) and (e) added, 1988, 23 § 64. (See 1988, 23 § 92.)
SECT. 17A added, 1987, 621 § 5.

Chapter 176H. — Legal Service Plans.

Chapter 176I. — PREFERRED PROVIDER ARRANGEMENTS.

New chapter inserted, 1988, 23 § 65. (See 1988, 23 § 92.)

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.
SECT. 59 amended, 1988, 293.

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.)
SECT. 20, subsection (c) amended, 1988, 199 § 33.
SECT. 35, subsection (d), last sentence revised, 1988, 199 § 34.
SECT. 38, paragraph (a) amended, 1988, 199 § 35; paragraph (a), clause (14), subclause (iii) revised, 1988, 199 § 36.
SECT. 41, subsection (a) amended, 1988, 199 § 37.

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. 2 amended, 1988, 206 § 1.
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; first paragraph amended, 1988, 83.

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.)

SECT. 19, second sentence revised, 1988, 206 § 2.

Chapter 186. — Estates for Years and at Will.

SECT. 11A added, 1987, 381.

Chapter 187. — Easements.

SECT. 5 amended, 1988, 334 § 6.

Chapter 188. — Homesteads.

SECT. 1A added, 1987, 194; amended, 1988, 199 § 38.

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 added, 1987, 550.

Chapter 201. — Guardians and Conservators.

SECT. 1 amended, 1987, 320 § 1.

SECT. 6A amended, 1987, 465 § 56; 1988, 199 § 39.

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 § 10.
SECT. 28, fourth and fifth sentences revised, 1988, 23 § 66. (See 1988, 23 § 92.)
SECT. 34, fourth and fifth sentences stricken out and three sentences inserted, 1988, 23 § 67. (See 1988, 23 § 92.)

Chapter 209. — Husband and Wife.

SECT. 18 revised, 1987, 522 § 12.
SECT. 21 revised, 1987, 522 § 13.
SECT. 24 revised, 1987, 522 § 14.
SECT. 32, third paragraph, second and third sentences revised, 1988, 23 § 68. (See 1988, 23 § 92.)
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.

SECT. 9, subsection (a), second and third sentences revised, 1988, 23 § 69. (See 1988, 23 § 92.)

Chapter 210. — Adoption of Children and Change of Names.

Chapter 211. — The Supreme Judicial Court.

SECT. 3G added, 1987, 199 § 142; repealed, 1988, 164 § 138; section repealed, 1988, 206 § 3. (See 1987, 199 § 156.)

SECT. 22, first sentence revised, 1987, 648 § 3; 1987, 648 § 4; (See 1987, 648 § 21.)

SECTS. 26-27 added, 1988, 164 § 139.

SECTS. 26-27 added, 1988, 206 § 4.

Chapter 211A. — Appeals Court.

SECT. 1, second sentence revised, 1988, 206 § 5.

SECT. 2, first sentence revised, 1987, 648 § 5; 1987, 648 § 6. (See 1987, 648 § 21.)

Chapter 211B. — Trial Court of the Commonwealth.

SECT. 1 amended, 1988, 206 § 6.

SECT. 2 amended, 1987, 755 § 6; section revised, 1988, 206 § 7.

SECT. 4, first three paragraphs revised, 1987, 648 § 7; 1987, 648 § 8; sixth paragraph revised, 1987, 199 § 143. (See 1987, 199 § 156; 648 § 21.)

SECT. 9, paragraph inserted after seventh paragraph, 1988 206 § 8.

SECT. 16 added, 1988, 164 § 140. (See 1988, 164 § 160.)

SECT. 17 added, 1988, 203 § 4.

SECT. 17 added, 1988, 206 § 9. (See 1988, 203 § 31.)

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.

SECT. 1 amended, 1988, 206 § 10.

SECT. 7A, second paragraph amended, 1988, 199 § 44.

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. 3C added, 1988, 206 § 11.

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, second paragraph stricken out, 1988, 203 § 5; the fourth paragraph under caption Plymouth, sentence added, 1987, 574; under caption Hampshire, second paragraph revised, 1987, 615; eighth paragraph revised, 1988, 203 § 6. (See 1988, 203 § 31.)

SECT. 6, third paragraph amended, 1988, 206 § 12; fourth paragraph revised, 1987, 199 § 144. (See 1987, 199 § 156.)

SECT. 10, first paragraph amended, 1988, 203 § 3; thirteenth and fourteenth paragraphs revised, 1987, 648 § 11; amended, 1987, 681. (See 1988, 203 § 31.)

SECT. 19 amended, 1987, 755 § 7; 1988, 199 § 40. (See 1987, 648 § 21.)

SECT. 19D added, 1987, 755 § 8.

SECT. 22, first sentence revised, 1988, 206 § 13.

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 (1), Class I amended, 1988, 203 § 8; Class III revised, 1988, 203 § 9; paragraph (2), first paragraph revised, 1987, 648 § 14. (See 1987, 648 § 21; 1988, 203 § 31.)

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. 37, fourth and fifth sentences revised, 1988, 206 § 14.

SECT. 70 revised, 1987, 649 § 1. (See 1987, 649 § 4.)

SECT. 88, first and second sentences revised, 1988, 206 § 15.

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.

SECT. 11 amended, 1988, 78 § 20.

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 Counties.

SECT. 3, clause (h) added, 1987, 100.

Chapter 224. — Arrest on Mense Process and Supplementary Proceedings in Civil Actions.

SECT. 6, first sentence amended, 1987, 775 § 10.

Chapter 225. — PROCESS AFTER JUDGEMENT 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.

SECT. 11 revised, 1988, 223 § 1.

Chapter 230. — Actions By and Against Executors and Administrators.

Chapter 231. — Pleading and Practice.

SECT. 6D amended, 1988, 273 § 55. (See 1988, 273 § 55.)
SECT. 51 revised, 1988, 141 § 1. (See 1988, 141 § 2.)
SECT. 60B, seventh paragraph revised, 1988, 199 § 41.
SECT. 60F added, 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 of "Sexual assault counselor" revised, 1987, 477.
SECT. 24A added, 1987, 207; amended, 1988, 199 § 42.
SECT. 76 amended, 1988, 101.
SECT. 79G revised, 1987, 540; 1988, 130.

Chapter 234. — Juries.

SECT. 1, first paragraph amended, 1987, 522 § 18.

Chapter 234A. — Office Of Jury Commissioner For The Commonwealth.

Chapter 235. — Judgement and Execution.

SECT. 23 revised, 1987, 351 § 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; 760 § 2.
SECT. 5A added, 1987 338 § 3.

Chapter 255. — Mortgages, Condictional Sales and Pledges of Personal Property, and Liens thereon.

SECT. 12G revised, 1988, 303 § 8. (See 1988, 303 § 12.)
SECT. 12H, paragraph added, 1987, 595 § 3.

Chapter 255A. — Trust Receipts and Pledges without Possession in the Pledgee.

Chapter 255B. — Retail Installment Sales of Motor Vehicles.

SECT. 10, fifth to tenth sentences stricken out and eight paragraphs inserted, 1988, 303 § 9. (See 1988, 303 § 12.)

Chapter 255C. — Insurance Premium Finance Agencies.

SECT. 14A revised, 1988, 303 § 10. (See 1988, 303 § 12.)

Chapter 255D. — Retail Installment Sales and Services.

SECT. 26, subsection C revised, 1988, 303 § 11. (See 1988, 303 § 12.)

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, paragraph inserted after first paragraph, 1988, 217; 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. 2 revised, 1988, 206 § 16.

SECT. 4, first paragraph revised, 1988, 206 § 17.

SECT. 4A revised, 1988, 206 § 18.

SECT. 4C revised, 1988, 206 § 19.

SECT. 39 amended, 1988, 206 § 20.

SECT. 40 revised, 1988, 206 § 21.

SECT. 43, second sentence stricken out, 1988, 296 § 30.

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.
SECT. 13D amended, 1988, 285.

Chapter 266. — Crimes Against Property.

SECT. 27A amended, 1988, 273 § 56; second to sixth paragraphs stricken out and three paragraphs inserted, 1988, 273 § 57. (See 1988, 273 § 77.)
SECT. 28, subdivision (a), first paragraph revised, 1988, 273 § 58. (See 1988, 273 § 77.)
SECT. 29, third to seventh paragraphs stricken out and three paragraphs inserted, 1988, 273 § 59. (See 1988, 273 § 77.)
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. 104B added, 1988, 224.
SECT. 113B revised, 1988, 273 § 60. (See 1988, 273 § 77.)
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. 1 amended, 1988, 10 § 11.
SECT. 3, clause (i) inserted, 1987, 9 § 1. (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. 16 amended, 1988, 151.
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; section revised, 1988, 226 § 1.
SECT. 29B revised, 1988, 226 § 2.
SECT. 31, definition of "Lascivious intent" inserted, 1988, 226 § 3; definition of "Minor" revised, 1988, 226 § 4; definition of "Nudity" revised, 1988, 226 § 5; definition of "Performance" inserted, 1988, 226 § 6; definition of "Sexual conduct" revised, 1988, 226 § 7; definition of "Visual material" revised, 1988, 226 § 8.
SECT. 33 amended, 1987, 522 § 23.
SECT. 43A revised, 1987, 219.
SECT. 88 amended, 1988, 178.

Chapter 273. — Desertion, Non-support and Illegitimacy.

SECT. 18A, paragraph (b) revised, 1988, 23 § 70. (See 1988, 23 § 92.)

Chapter 273A. — Uniform Reciprocal Enforcement Of Support. (Former title, Enforcement of the Duty to Support Dependents.)

SECT. 10, second paragraph revised, 1988, 23 § 71. (See 1988, 23 § 92.)

Chapter 274. — Felonies, Accessories and Attempts to Commit Crimes.

Chapter 275. — Proceedings to Prevent Crimes.

Chapter 276. — Search Warrents, 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.

SECT. 87A, four paragraphs added, 1988, 202 § 27. (See 1988, 202 § 33.)

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.

SECT. 2, second paragraph revised, 1988, 273 § 61. (See 1988, 273 § 77.)
SECTS. 6B and 6C added, 1988, 236 § 51. (See 1988, 236 § 61.)

Chapter 281. — The General Laws And Their Effect.