ACTS

AND

RESOLVES

PASSED BY THE

GENERAL COURT OF MASSACHUSETTS

IN THE YEAR

1989

PUBLISHED BY

Michael Joseph Connolly

SECRETARY OF STATE



The General Court, which was chosen November 8, 1988, assembled on Wednesday, the fourth day of January, 1989 for the first 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 1989.

Chapter 1. AN ACT VALIDATING A CERTAIN VOTE TAKEN IN THE TOWN OF HAMPDEN.

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. The vote taken by the town of Hampden on May second, nineteen hundred and eighty-eight to exempt certain bonds from the annual tax limitations of section twenty-one C of chapter fifty-nine of the General Laws is hereby ratified, validated and confirmed, notwithstanding any defect or omission in the warrant calling such election.

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

Approved February 15, 1989.

Chapter 2. AN ACT AUTHORIZING MEMBERS OF THE ADAMS-CHESHIRE REGIONAL SCHOOL DISTRICT COMMITTEE TO BE ELECTED AT LARGE AND VALIDATING CERTAIN PROCEEDINGS TAKEN BY THE TOWNS OF ADAMS AND CHESHIRE.

Be it enacted, etc., as follows:

SECTION 1. The Adams-Cheshire Regional School District, consisting of the member towns of Adams and Cheshire may by amendment to its regional school district agreement provide that members of said regional district school committee may be elected at large from the district at the annual town election for each town.

SECTION 2. The amendment entitled "Amendment with regard to the election of Adams-Cheshire Regional School District Committee" providing for the nomination and election of members of the regional school district school committee at large from the district is hereby ratified, validated and confirmed.

SECTION 3. The proceedings taken at town meetings held in the town of Adams on October third, nineteen hundred and eighty-eight, and the town of Cheshire on May ninth, nineteen hundred and eighty-eight, at which said amendment was considered are hereby ratified, validated and confirmed to the same extent as though this act had been in full force and effect at the time of said proceedings.

SECTION 4. The annual town elections for the towns of Adams and Cheshire shall be held on the first Monday in May in each year.

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

Approved February 15, 1989.

Chapter 3. AN ACT RELATIVE TO THE ANNUAL ELECTION IN THE TOWN OF SCITUATE FOR THE YEAR NINETEEN HUNDRED AND EIGHTY-NINE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section ten of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen and clerk of the town of Scituate are hereby authorized and directed to include on the warrant and official ballots for the April first, nineteen hundred and eighty-nine annual town election the office of selectman to fill a vacancy for the term of one year, created by the resignation of Robert Thorndike.

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

Approved February 23, 1989.

Chapter 4. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO CONTRACT FOR THE PROCESSING, COMPOSTING AND DISPOSAL OF SLUDGE PRODUCED AT THE SPRINGFIELD REGIONAL WASTEWATER TREATMENT PLANT, AND TO LEASE LAND TO THE OWNER OF SUCH A PROCESSING AND DISPOSAL FACILITY FOR PLACEMENT OF SUCH A FACILITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, but subject to the requirements of section five, and in addition to any other power conferred by law, the city of Springfield may enter into a contract for the processing, composting and disposal of sludge, produced at the Springfield Regional Wastewater Treatment Plant, or such other sludge as said city may designate from time to time, at a facility constructed, financed, operated and owned by a private party, and may lease to such party, land owned by said city upon which the facility is to be, or is constructed and operated and which is to, or does, surround said facility; provided, however, that if said city consents, pursuant to this section, to the processing, composting or disposal of sludge other than sludge produced at the Springfield Regional Wastewater Treatment Plant, the operator of the facility shall pay to said city not less than ninety per cent of any amount charged by the operator in excess of the service or other fees established by the contract for the processing, composting, or disposal of sludge produced at the Springfield Regional Wastewater Treatment Plant.

SECTION 2. The contract and lease hereunder shall contain such provisions as may be deemed necessary to protect the public interest, to provide for just and equitable rates and a fair but not excessive return to the facility operator and to provide for meeting public disposal needs in preference to private needs. Such contract or lease, as the case may be, shall include but need not and shall not be limited to provisions for:

(a) the delivery of minimum amounts of sludge;

(b) the payment or performance of obligations by said city for the service provided by the facility based upon the amount of sludge delivered and to be processed or based upon unit prices or a formula agreed upon between the parties;

(c) the continuation of minimum payments, as such are determined between the parties, in the event the service to be provided by the facility is interrupted, curtailed or abandoned due to circumstances which are beyond the control of the facility operator and which render the operation of the facility physically or commercially impracticable or legally impermissible;

(d) the imposition of supplementary charges or adjustments, as agreed by the parties, to the stated payment requirements which are directly related to increased costs or decreased revenues, incurred or projected to be incurred by the facility as the result of changes in state or federal laws and regulations directly affecting the operations of the facility, except cost increases or revenue decreases resulting from changes in federal income tax laws and regulations. Any supplementary charges or adjustments shall be documented by a detailed statement accounting for the causes of the increases in costs or decreases in revenues, for which by the terms of the contract a supplementary charge or adjustment may be made and an accounting of the supplementary charges or adjustments being imposed and an evaluation of whether they are allowable under the contract and whether they have been correctly calculated;

(e) limitations on the liability of said city in connection with the operation of the facility;

(f) no assignment, mortgage, sublease, or transfer of the contract and lease except as may be required, with the approval of said city which approval shall not be unreasonably withheld, to the entities financing the facility and by such entities upon a default by the operator of the facility under the terms of the financing for the facility;

(g) no sale, mortgage, or transfer of the facility or any portion thereof, except to said city or as may be required, with the approval of said city which approval shall not be unreasonably withheld, to the entities financing the facility and by such entities upon a default by the operator of the facility under the terms of the financing thereof;

(h) that any contract for design or construction of a change to the facility that increases the capacity of the facility shall be procured by the private party owner of the facility in accordance with the provisions of section thirty-eight K of chapter seven, section thirty-nine M of chapter thirty or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws. In the event the capacity is increased during the term of the contract, the contract

may provide for adjustments in payments by said city to reflect the operating, maintenance and capital costs of the expanded facility, provided the rate of return to the facility operator shall not increase; and

(i) a term not to exceed twenty years from the date that the facility achieves commercial operations, as such term is defined in the contract, provided that the contract and lease shall terminate on the same date, and provided further that upon the termination of the contract and lease such private party shall have the option of either removing the facility from the site or transferring the facility to said city, at no cost to said city, together with all drawings, designs, diagrams, manuals, specifications and other documents of information necessary to operate the facility.

SECTION 3. The contract and lease authorized hereunder may be entered into by the appropriate officers of the city of Springfield acting pursuant to general authorization of the city council and approval by its mayor or by its acting mayor if the office of mayor is vacant at the time of execution of the lease, said contract matters not admitting of delay. The authorization for and execution of the contract and lease, if performed prior to the final passage of this act are hereby ratified, validated and confirmed, and made effective; provided, however, that they shall be in accordance with the provisions required by this act.

SECTION 4. The obligations represented by payments by the city of Springfield shall not be included in any determination of the borrowing capacity of said city under any limitation of its indebtedness. The provisions of this section are applicable whether or not said city has issued debt obligations for sludge disposal purposes.

SECTION 5. The provisions of this act and the authority granted hereunder shall be read as being in addition to and not contrary to or in derogation of chapter fifty-two of the acts of nineteen hundred and thirty-nine. The contract and lease authorized hereunder shall be for the development of a sludge composting facility and the provisions of sludge composting services, in accordance with the Request for Proposals dated September, nineteen hundred and eighty-seven, and addenda thereto issued by the city of Springfield and filed with the office of the inspector general, on land owned by said city at the Bondi's Island site of the Springfield Regional Wastewater Treatment Plant and only in so far as so limited shall not be subject to, and shall be exempt from, the provisions of section four of chapter forty, section thirty-eight K of chapter seven, section thirty-nine M of chapter thirty and sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws. The facility which is the subject of the contract and lease authorized hereunder shall be subject to the applicable provisions of chapter twenty-one and chapter eighty-three of the General Laws, but shall not be subject to the provisions of section one hundred and fifty A of chapter one hundred and eleven of the General Laws.

SECTION 6. The private party with which the city of Springfield executes a contract and lease for the sludge composting facility shall annually, by March first, submit to the state ethics commission and the inspector general a report listing each expenditure made during the previous calendar year by an official, employee or representative of the firm, including consultants or subcontractors providing services with respect to the facility, to or for the benefit of an official, employee, or representative, including consultants providing services with respect to the facility, of said city. An officer of said private party shall certify the report as complete and accurate under pains and penalties of perjury. The state ethics commission, upon finding that there has been a violation of the reporting requirement set forth in this section, may issue an order requiring the violator to pay a civil penalty of not more than one thousand dollars for each day of violation and may file a civil action in superior court to enforce such order. The private party and officials, employees or representatives of the firm, including consultants or subcontractors providing services with respect to the facility, shall not be required to submit the report required by this section to the state ethics commission and the inspector general for any year after the year in which the contract or lease, whichever is later, has expired.

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

Approved March 2, 1989.

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the 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 John P. Curley, Jr., as he is a justice of the Barnstable division of the district court department of the trial court of the commonwealth, in the town of Barnstable, on March eighteenth, nineteen hundred and eighty-nine, between Bradley J. Bailey and Nancy J. Krajewski, both of said town of Barnstable and the state secretary shall issue to said John P. Curley, Jr. in his capacity as aforesaid a certificate of such authorization.

Approved March 2, 1989.

Chapter 6. AN ACT ESTABLISHING THE DEPARTMENT OF BUDGET AND FINANCE IN THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or town by-law to the contrary, the department of budget and finance is hereby established in the town of Dartmouth. Said department shall be under the direction of a full-time director appointed by the board of selectmen.

SECTION 2. Said department of budget and finance shall have all the powers and duties presently vested in the office of town treasurer, town accountant and tax collector and shall have the powers and duties, including the direction of purchasing by the various town boards and departments, as may be assigned and prescribed from time to time by the board of selectmen with the approval of town meeting.

SECTION 3. Said department of budget and finance shall include at least four divisions, consisting of the divisions of treasurer, tax collector, accountant, and purchasing and any other such divisions as the board of selectmen, with the approval of town meeting, may from time to time prescribe.

SECTION 4. Upon the appointment and assumption of office by the director of budget and finance, the terms of the existing town treasurer, tax collector and town accountant shall terminate, but the persons in those offices shall continue as the head of their respective divisions under the direction and supervision of the director of budget and finance until the date that their present terms of office would have expired, with the same salary and benefits. At the the expiration of the term of any office as aforesaid, the director of budget and finance shall assume the powers and duties of treasurer and shall appoint the persons to direct the divisions of town accountant, tax collector, and purchasing, subject to the approval of the board of selectmen.

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

Approved March 13, 1989.

Chapter 7. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE TOWN OF DEDHAM FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of the chief of police in the town of Dedham 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 March 16, 1989.

Chapter 8. AN ACT PROVIDING FOR A SELECTMEN, TOWN MANAGER, OPEN TOWN MEETING FORM OF GOVERNMENT FOR THE TOWN OF HULL.

Be it enacted, etc., as follows:

SECTION 1. The town of Hull shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or the by-laws of the town of Hull, this act shall govern.

SECTION 2. The registered voters of the town of Hull shall, in accordance with any applicable laws, by-laws and votes of the town, continue to elect a moderator, board of selectmen, school committee, planning board, town clerk, board of assessors, Hull redevelopment authority, library trustees, Hull housing authority, and municipal light board.

The provisions of this act shall not affect the term of office of any such elected official or elected member of such board, committee or authority. Every other elective office, board, committee or commission of the town shall be terminated or shall become appointive as provided herein, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee or commission existing as an elected office on the effective date of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.

The powers, duties and responsibilities of elected and appointed officials shall be as now or hereafter provided by applicable provisions of General Laws, special acts, by-laws and votes of the town, except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town manager for consultation, conference and discussion on matters relating to their respective offices. The town manager may require all such officials, except the selectmen, to prepare reports for the town manager necessary for the administration of any of his responsibilities.

SECTION 3. A. The executive powers of the town shall be vested in

the board of selectmen, who shall have all the powers given to boards of selectmen by the General Laws. The board of selectmen shall serve as the chief goal-setting, and policy-making agency of the town and as such shall not normally administer the day-to-day affairs of the town. The board of selectmen shall act through the adoption of policy directives and guidelines which are to be implemented by officers and employees appointed by or under its authority. Individual selectmen shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board to do so.

B. The board of selectmen shall have the power to enact rules and regulations to implement policies and to issue interpretations.

C. The board of selectmen shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town.

D. The board of selectmen shall appoint the town manager, town counsel, and any assistant or special counsels and all members of committees, boards, and commissions except those appointed by the moderator, elected by the voters, or as otherwise appointed by by-law. They may make appointments to all positions and committees they create for special or general purposes. The retirement board and system shall continue to be constituted and governed by state law.

E. The board of selectmen shall have general administrative oversight of such boards, committees, positions, or commissions appointed by the board of selectmen.

F. The board of selectmen shall have the responsibility and authority for licenses and other non-personnel related quasi-judicial functions as provided by the General Laws and the town of Hull by-laws, except as provided in paragraph 3 of subsection C of section 4.

G. The board of selectmen shall be responsible for the preparation of all town meeting warrants.

H. The board of selectmen shall review the annual proposed budget submitted by the town manager and make recommendations with respect thereto as they deem advisable. The town manager shall present the budget, incorporating the recommendations of the selectmen, to the finance committee and the town meeting.

I. The board of selectmen, by at least three members voting in the affirmative, shall appoint for a term of three years a town manager, who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate. The selectmen shall enter into a formal contract with the town manager and may set a job description for the town manager which shall take precedence over any personnel by-laws.

J. The board of selectmen may suspend or remove the town manager at any time by a vote of at least three members voting in the affirmative. At least thirty days before such proposed suspension or removal shall become effective, the selectmen shall file a preliminary

written resolution with the town clerk setting forth in detail the specific reasons for the proposed suspension or removal, a copy of which resolution shall be delivered to the town manager. The manager may, within ten days of service of such resolution, reply in writing to the resolution and may request a public hearing. Service shall be deemed to have been accomplished by leaving a copy of such resolution at the manager's last known abode. If the manager so requests, the board of selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such a request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the selectmen by a vote of at least three affirmative votes of its members, may adopt the final resolution of suspension or removal. In the preliminary resolution, the Selectmen may suspend the manager from duty. Nothing contained herein shall limit the authority of the board of selectmen to suspend or remove the town manager as provided by state law. Any suspension may be with or without pay.

K. The board of selectmen shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

L. The board of selectmen shall designate a qualified person to serve as acting town manager and to perform the duties of the office during any period of any vacancy, or any period of time in which the town manager cannot perform his or her job except as provided for elsewhere herein.

M. The board of selectmen shall appoint the members of the board of health, and the park and recreation commission. The incumbents on these boards upon the effective date of this act shall continue to hold such office and perform the duties thereof until the expiration of their elected term and until the appointment and qualification of their successors.

SECTION 4. A. The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the manager's charge by this act, the board of selectmen, by by-law, or vote of town meeting, and for the implementation of town policies placed in the manager's charge by the board of selectmen.

B. The town manager shall be the chief financial officer of the town, and shall be responsible for the design and preparation of the annual budget, filing grant applications, and controlling budget expenditures, including approval of the warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws. Without limiting the generality of the foregoing the town manager shall have the following specific budgetary powers:

1. The town manager shall submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school department. The proposed

budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current, and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose, and position, together with proposed financing methods; and the proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law, establish additional financial information and reports to be provided by the town manager.

2. The town manager shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount.

3. The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the board of selectmen, shall be thirty days prior to the date the budget is required to be submitted to the finance committee as specified by by-law.

4. To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.

5. The town manager shall submit annually to the board of selectmen a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule, and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. A capital improvement shall be defined by by-law.

C. In addition to specific powers and duties provided in this act, the town manager shall have the powers and duties enumerated in this section:

1. The town manager shall supervise all town departments under the jurisdiction of the selectmen and direct the operation of the town.

2. The town manager shall be responsible for coordination of operational and strategic planning for the town.

3. The town manager shall appoint and may suspend or remove, subject to the civil service law where applicable, all department heads, all officers and all subordinates and employees of the town except those appointees for which another method of appointment is provided in this act, employees of the school committee, and appointments made by the commonwealth.

Employees not protected by civil service law or union contract shall have the right to appeal the town manager's decision to discharge. Said appeal shall be initiated by filing a written notice of appeal with the town manager within ten calendar days after receiving notice of such

discharge. Said appeal shall be heard by a mutually agreed upon arbitrator. In the absence of agreement on an arbitrator within thirty days, the appeal shall be heard by the American Arbitration Association or the Massachusetts board of conciliation and arbitration.

Appointments made by the town manager of department heads shall become effective on the fifteenth day following the day notice of the appointment is filed with the board of selectmen or other relevant policy board unless the board of selectmen or other relevant policy board shall within that period, by a majority of its members present and voting, vote to reject the said appointment or removal. Within said fifteen day period the board of selectmen or the relevant policy board may, by a majority of its members present and voting, vote to waive its power to reject the appointment, whereupon the appointment shall become effective immediately.

Appointments by the town manager for all positions except department heads shall become effective immediately.

4. The town manager, subject to any applicable provisions of the General Laws relating thereto, may assume, temporarily, the duties of any office which the manager is authorized to fill by appointment.

5. The town manager shall be responsible for administration of personnel evaluation policies and practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunities law compliance functions of the town.

6. The town manager shall keep full and complete records of his office and annually submit to the selectmen, unless requested to do so more frequently, a full written report of the operations of the office.

7. The town manager shall advise the selectmen of all matters requiring action by them or the town.

8. The town manager shall attend all meetings of the board of selectmen and all town meetings and shall be permitted to speak when recognized by the moderator.

9. The town manager shall act as central purchasing agent for all town departments and activities, except those under the jurisdiction of the school committee, unless requested by that agency.

10. The town manager shall manage and be responsible for all town buildings, property and facilities, except those under the jurisdiction of the school committee, unless requested by that agency.

11. The town manager shall be responsible for the negotiations of all contracts, which are subject to execution by the board of selectmen.

12. The town manager shall administer, either directly or through a person or persons appointed by him or the board of selectmen, in accordance with this act, all provisions of general and special laws applicable to said town, all by-laws, and all regulations established by the board of selectmen.

13. The town manager may represent the town at local, state, federal and regional meetings.

14. During his temporary absence, the town manager shall designate by letter filed with the board of selectmen, a qualified administrative

employee or officer to exercise the powers and perform the duties of town manager.

15. The town manager may perform such other duties consistent with the office, as may be required of the manager by by-law or by vote of the board of selectmen or town meeting.

Notwithstanding the provisions of any general or special law to the contrary, the office of treasurer/collector of taxes shall be appointed by and serve at the will of the town manager. The incumbent in the office upon the effective date of this act shall continue to hold such office and perform the duties thereof until the expiration of the term for which he was elected and until the appointment and qualification of his successor.

Nothing contained in this act shall effect the operation of the fire department which shall continue to function under the provisions of section forty-two of chapter forty-eight of the General Laws, nor shall it effect the operation of the police department which shall continue to function under the provisions of section ninety-seven A of chapter forty-one of the General Laws.

SECTION 5. The town manager shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town manager. The town manager may, without notice, cause the affairs of any division or department under the manager's supervision or the conduct of any officer or employee thereof to be examined.

SECTION 6. The organization of the town into operating agencies may be accomplished through either of the methods provided in this section.

1. By-laws. Subject only to express prohibitions in the Constitution of the commonwealth and general and special laws and provisions of this act, the board of selectmen or the town manager may petition the town meeting, and, the town meeting may, by by-law, reorganize, consolidate, or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable and may prescribe the functions of any such town agency; provided, however, that no function assigned by this act to a particular town agency may be discontinued or, unless the act specifically so provides, assigned to any other.

2. Administrative Code. The board of selectmen, upon recommendation of the town manager, may from time to time adopt departmental rules and regulations and operating procedures for town agencies for the orderly, efficient or convenient conduct of the business of the town.

Prior to the approval of such a plan the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a newspaper of general circulation in the town not less than seven days in advance, which notice shall describe the scope of the proposal and time and place at which the hearing shall be held. Following such public hearing, the board of selectmen shall by a vote of at least three of its members voting in the affirmative accept or reject the proposal in its entirety or as modified.

An organization or reorganization plan shall become effective at the expiration of ninety days following the date of the meeting of the board of selectmen at which the proposal is approved.

The board of selectmen may through the administrative code, and subject only to express prohibitions in the Constitution of the commonwealth, General Laws and this act, reorganize, consolidate or abolish all town agencies in whole or in part; establish such new town agencies as they deem necessary; and for such purpose may transfer the duties and powers and so far as is 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 act to a particular town agency may be discontinued, or, unless this act specifically so provides, assigned to any other.

3. Special Legislation. Nothing contained herein shall limit the authority of the town to petition the general court for special legislation to organize operating agencies within the town.

SECTION 7. All laws, by-laws, votes, rules and regulations whether enacted by authority of the town or any other authority, which are in force in the town of Hull on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other law, by-laws, votes, rules and regulations, respectively.

SECTION 8. No contract existing and no action at law or suit in equity, or other proceeding pending on the effective date of this act, or the time of revocation of such acceptance, shall be affected by such acceptance or revocation of this act.

SECTION 9. Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with this act for the performance of said duties by another person or agency. No person who continues in the permanent full-time service or employment of the town shall forfeit his pay grade or time in service. The position of executive administrator to the board of selectmen shall be terminated upon assumption of office by the town manager or acting town manager.

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

Approved March 21, 1989.

Chapter 9. **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 Joseph D. Alviani, Esquire, in the city of Boston on March twenty-third, nineteen hundred and eighty-nine between Barbara Waters of the city of Boston and Stephen Ryan Roop of the city of Boston, and the state secretary shall issue to said Joseph D. Alviani, Esquire, in his capacity aforesaid a certificate of such authorization.

Approved March 21, 1989.

Chapter 10. AN ACT RELATIVE TO THE OFFICES OF TOWN TREASURER AND TOWN COLLECTOR IN THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

The town treasurer and the town collector of the town of Brewster shall be appointed by the board of selectmen for a term of three years, unless sooner removed for cause; provided, however, that said board may appoint the town treasurer to serve as the town collector, and he 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.

Approved March 21, 1989.

Chapter 11. AN ACT AUTHORIZING THE TOWN OF HULL TO LEASE A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section three of chapter forty of the General Laws, or any other general or special law to the contrary, the town of Hull, acting by and through its board of selectmen, is hereby authorized to lease for a period not to exceed twenty-five years a certain parcel of town land to the Nantasket Beach Salt Water Club. Said parcel is presently under lease to said club.

Approved March 21, 1989.

Chapter 12. **AN ACT AUTHORIZING THE CERTIFICATION FOR TODD F. EADIE AS A POLICE OFFICER IN THE TOWN OF SUDBURY.**

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

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Todd F. Eadie for appointment as a police officer in the town of Sudbury, according to the grade he received in the most recent examination for police officer, as though he had resided in said town for one year prior to the date of such examination.

Approved March 28, 1989.

Chapter 13. **AN ACT EXTENDING THE TIME WITHIN WHICH THE MAYOR OF THE CITY OF SPRINGFIELD SHALL SUBMIT THE ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-two of chapter forty-four of the General Laws or any other general or special law to the contrary, within one hundred and fifty days after the annual organization of the city council of the city of Springfield in the year nineteen hundred and eighty-nine only, the mayor shall submit to the city council the annual budget which shall be a statement of the amounts recommended by him for the proposed expenditures of said city for the fiscal year ending June thirtieth, nineteen hundred and ninety.

SECTION 2. If, upon the expiration of one hundred and fifty days after the annual organization of the city council of the city of Springfield in the year nineteen hundred and eighty-nine, the mayor shall not have submitted to the city council the annual budget for the fiscal year ending June thirtieth, nineteen hundred and ninety, said city council shall, upon its own initiative, prepare said annual budget by June thirtieth, nineteen hundred and eighty-nine, and such preparation shall be subject to the same requirements as the mayor's annual budget, so far as apt.

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

Approved March 28, 1989.

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the 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 Robert C. Pomeroy, as he is an attorney in the commonwealth, in the city of Boston, on June twenty-fifth, nineteen hundred and eighty-nine, between June Beth Eckstein of the town of Lexington and Russell Stephen Higgins of the city of Toronto in the province of Ontario, in the country of Canada, and the state secretary shall issue to said Robert C. Pomeroy in his capacity as aforesaid a certificate of such authorization.

Approved March 29, 1989.

Chapter 15. AN ACT ESTABLISHING A BOARD OF SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF SHEFFIELD.

Be it enacted, etc., as follows:

SECTION 1. The town of Sheffield shall, in accordance with any applicable laws, by-laws, votes of the town, or interlocal agreements elect the following:

(a) Moderator
(b) Board of Selectmen
(c) Library Trustees
(d) Town Clerk
(e) Planning Board
(f) Board of Assessors
(g) Members of the Regional School Committee

Unless otherwise provided in this act, this act shall not affect the term of office of any such elected official or elected member of such board or

committee, commission, or authority. Every other elective office, board, committee, commission of the town shall be terminated or shall become appointive as hereinafter provided, any other provision of the law to the contrary notwithstanding. Unless otherwise provided by this act, the term of office of any person elected to any office, board, committee or commission existing as an elected office on the effective date of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of a successor.

The offices of tax collector and town treasurer shall be abolished at the next annual town meeting and the new office of treasurer-collector established to succeed to all the powers, duties and responsibilities of the offices of tax collector and treasurer. The office of treasurer-collector shall be appointed by the board of selectmen in accordance with section three.

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by the applicable provisions of General Laws, special laws, by-laws and votes of the town, except as otherwise expressly provided herein.

SECTION 2. The executive powers of the town shall be vested in the board of selectmen who shall serve as the chief policy making board of the town. The board of selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen under the General Laws or by vote of the town, except as otherwise provided herein. The board of selectmen shall appoint a town administrator as provided in section four.

SECTION 3. The board of selectmen shall appoint a town counsel, a treasurer-collector, tree warden, constables, election officers (except the town clerk) and all department heads, employees and subordinates except those persons serving under officers and multiple member bodies elected directly by the voters of the town of Sheffield. The board of selectmen shall also appoint all multiple member boards, committees, and commissions except those appointed by the moderator.

SECTION 4. The board of selectmen shall appoint a town administrator for a term to be specified by said board who shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of town administrator shall be filled by the board of selectmen. Pending the appointment of a town administrator or the filling of any vacancy, the board of selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the town administrator, the board of selectmen may designate a qualified officer of the town to perform the duties of the town administrator during such temporary absence or disability.

SECTION 5. The town administrator shall receive such compensation for services as the board of selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the town.

SECTION 6. The town administrator shall act as the agent for the board of selectmen and shall have the powers, duties and responsibilities enumerated in this section:

(a) The town administrator shall act as or perform the duties of the town accountant or insure that the powers, duties and responsibilities of a town accountant are performed in the town.

(b) The town administrator, under the direction of the board of selectmen, shall supervise and be responsible for the efficient administration of all offices and departments under jurisdiction of the board of selectmen.

(c) The town administrator, unless excused, shall attend all regular and special meeting of the board of selectmen and attend all sessions of the town meeting.

(d) The town administrator shall keep the board of selectmen fully informed as to the needs of the town and shall recommend to the selectmen for adoption, measures requiring action by the board or by the town as may be deemed necessary or expedient.

(e) The town administrator shall be responsible for compiling the annual operating and capital budget for all town departments and submitting the budget to the finance committee.

(f) The town administrator shall be responsible for assisting the board of selectmen in the recruitment of department heads and employees.

(g) The town administrator shall be responsible for the administration of the town's personnel system.

(h) The town administrator shall be the agent for the board of selectmen for collective bargaining and may employ special counsel to assist in the performance of these duties.

(i) The town administrator shall insure that a complete and full record of the financial and administrative activities of the town are maintained and render reports to the board of selectmen as may be required.

(j) The town administrator may investigate or inquire into the affairs of any town department or office under the supervision of the board of selectmen.

(k) The town administrator shall perform such other duties as necessary or as may be assigned by this act, by-law, town meeting vote or vote of the board of selectmen.

SECTION 7. Subject only to the express prohibitions in the General Laws or this act, the town meeting may, by by-law, 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.

SECTION 8. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Sheffield on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue to be in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively. All other laws, votes, rules and regulations so far as they refer to the town of Sheffield, are hereby suspended but such suspension shall not revive any preexisting enactment. Nothing contained herein shall impair contractual rights established prior to the adoption of this act or any amendment hereto.

SECTION 9. Any person 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 act for the performance of said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade for time in service. Each person shall be retained in a capacity as similar to their former capacity as is practical.

SECTION 10. A committee consisting of at least five persons, but not more than seven persons, one of whom shall be a member of the existing government study committee, shall be appointed by the selectmen with the approval of the existing said study committee. Said new committee shall perform a detailed study of any elected officers in regard to staffing, workload and operation; and to prepare a report to the selectmen in sufficient time to initiate actions in the warrant for the annual town meeting in nineteen hundred and eighty-nine.

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

Approved March 29, 1989.

Chapter 16. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE TOWN OF DOUGLAS AT ITS ANNUAL TOWN MEETING.

Be it enacted, etc., as follows:

SECTION 1. The votes taken by the special town meeting in the town of Douglas on February second, nineteen hundred and eighty-nine, relative to funding of a gypsy moth control program, recession of a former vote, the amendment of the agreement forming the Blackstone Valley Regional Vocational High School District, and the authorization and appropriation of the funds for the purchase of land are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the warrant and the calling of such election.

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

Approved March 30, 1989.

Chapter 17. AN ACT AUTHORIZING THE APPOINTMENT OF CITY COUNCILLOR JOHN M. DUFFY OF THE CITY OF WALTHAM AS A MEMBER AND CHAIRMAN OF THE BOARD OF CEMETERY COMMISSIONERS OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eight of chapter thirty-nine of the General Laws and any other general or special law to the contrary, the mayor of the city of Waltham is hereby authorized to appoint city councillor John M. Duffy of said city as a member of the board of cemetery commissioners of said city, subject to confirmation by the said city council; and said mayor is hereby further authorized to designate the said John M. Duffy to serve as chairman of said board of cemetery commissioners; provided, however, that upon his appointment and confirmation as said member he shall resign as a member of said city council.

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

Approved March 31, 1989.

Chapter 18. AN ACT AUTHORIZING THE CONTINUING EMPLOYMENT OF G. JOHN PEDONE, A COURT OFFICER IN THE WORCESTER DIVISION OF THE DISTRICT COURT DEPARTMENT OF THE TRIAL COURT OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize G. John Pedone 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 any general or special law or rule or regulation to the contrary, G. John Pedone, a court officer of the district court department, Worcester division of the trial court of the commonwealth is hereby authorized to continue in such position, provided he is mentally and physically capable of performing the duties of this

office or position. Said G. John Pedone, shall annually, at his own expense, be examined by an impartial physician designated by the state retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to the date of his seventieth birthday and upon retirement said employee shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on said date.

Approved March 31, 1989.

Chapter 19. AN ACT RELATIVE TO THE EMPLOYMENT SECURITY LAW.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (1) of subsection (i) of section 14 of chapter 151A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following subparagraph:-

Notwithstanding the foregoing provisions of this paragraph, with respect to the calendar year nineteen hundred and eighty-nine, the experience rate of an employer qualifying therefore under subsection (b) shall be the rate which appears in the column designated "A-" and on the line with the applicable employer account reserve percentage, as set forth in the following table:

EXPERIENCE RATE TABLE

Employer Account Reserve Percentage	A-
Negative Percentage	
7.0 or more	5.6
6.5 but less than 7.0	5.5
6.0 but less than 6.5	5.4
5.5 but less than 6.0	5.3
5.0 but less than 5.5	5.2
4.5 but less than 5.0	5.1
4.0 but less than 4.5	5.0
3.5 but less than 4.0	4.9
3.0 but less than 3.5	4.8
2.5 but less than 3.0	4.7
2.0 but less than 2.5	4.6
1.5 but less than 2.0	4.5
1.0 but less than 1.5	4.4
0.5 but less than 1.0	4.3
0.0 but less than 0.5	4.2

EXPERIENCE RATE TABLE (Continued)

Positive Percentage	
0.0 but less than 0.5	4.1
0.5 but less than 1.0	4.0
1.0 but less than 1.5	3.9
1.5 but less than 2.0	3.8
2.0 but less than 2.5	3.7
2.5 but less than 3.0	3.6
3.0 but less than 3.5	3.5
3.5 but less than 4.0	3.4
4.0 but less than 4.5	3.3
4.5 but less than 5.0	3.2
5.0 but less than 5.5	3.1
5.5 but less than 6.0	3.0
6.0 but less than 6.5	2.9
6.5 but less than 7.0	2.8
7.0 but less than 7.5	2.7
7.5 but less than 8.0	2.6
8.0 but less than 8.5	2.5
8.5 but less than 9.0	2.4
9.0 but less than 9.5	2.3
9.5 but less than10.0	2.2
10.0 but less than 10.5	2.1
10.5 but less than 11.0	2.0
11.0 but less than 11.5	1.9
11.5 but less than 12.0	1.8
12.0 but less than 12.5	1.7
12.5 but less than 13.0	1.6
13.0 but less than 13.5	1.5
13.5 or more	1.4

SECTION 2. Said chapter 151A is hereby further amended by inserting after section 14G, inserted by section 46 of chapter 23 of the acts of 1988, the following section:-

Section 14H. Each employer required to make contributions pursuant to section fourteen shall pay, at the same time as the required contributions are due, an excise equal to one-tenth of one per cent of the wages paid its employees; provided, however, that for the purposes of this section, the term "wages" shall not include that part of remuneration which, after remuneration equal to seven thousand dollars 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. Such excise shall be paid to the commissioner in accordance with the procedures prescribed by the commissioner. The receipts from such excise shall not be deposited in the state unemployment compensation fund, but shall be credited on the books of the commonwealth to the re-employment and job placement fund. Such receipts shall be subject to

the allowable state tax revenue limitations established by chapter twenty-nine B. Prior to the depositing of the receipts, the commissioner 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, if applicable.

Except where inconsistent with the terms of this section, the terms and conditions of this chapter which are applicable to the payment of and the collection of contributions shall apply to the same extent to the payment of and the collection of said excise; provided, however, that said excise shall not be credited to the employer's account or the solvency account established pursuant to section fourteen.

SECTION 3. Section fourteen H of said chapter one hundred and fifty-one A, inserted by section two, is hereby repealed.

SECTION 4. Said chapter 151A is hereby further amended by inserting after section 14H, inserted by section 2, the following section:-

Section 14I. There is hereby established on the books of the commonwealth a separate fund to be known as the re-employment and job placement fund. All amounts received under section fourteen H shall be credited to such fund, except as otherwise provided in said section fourteen H. Money in the fund, subject to appropriation, shall be used only for activities authorized under Title III and Title IX of the Social Security Act and Title V of the Job Training Partnership Act, known as the Wagner-Peyser Act.

SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the department of employment and training shall deposit any receipts from the excise collected pursuant to section sixty-seven of chapter two hundred and thirty-three of the acts of nineteen hundred and eighty-three into the treasury of the commonwealth. Such receipts shall be credited to the re-employment and job placement fund established by section fourteen I of chapter one hundred and fifty-one A of the General Laws.

SECTION 6. Section 62 of said chapter 151A, as appearing in the 1986 Official Edition, is hereby amended by adding the following two paragraphs:-

The state advisory council shall establish a subcommittee to monitor the implementation of the re-employment and job placement fund. Said subcommittee shall consist of leaders from the business, labor and legislative communities. The subcommittee shall provide input into the design of the program, including the development of performance standards and strategies for employer and labor support, provide input into the development of a vehicle to monitor the retained earnings accumulating in the unemployment compensation fund, and develop criteria and a method of evaluation to measure the program's performance.

On or before the fifteenth day of October of the first year, the subcommittee is hereby authorized and directed to file with the house and senate committees on ways and means and the clerks of the house of representatives and the senate and the joint committee on commerce and labor a report which shall contain a comprehensive evaluation of the program's effectiveness to date, including but not limited to the number of claimants served, the number of past claimants presently employed, and an accounting of all monies expended through the fund. On or before the fifteenth day of the months of January, April, August and October of the following calendar year, and on or before the fifteenth day of the months of January and April of the final year, said subcommittee shall submit an updated report to the chairmen of said committees.

SECTION 7. The second paragraph of section sixty-two of said chapter one hundred and fifty-one A, inserted by section six, is hereby repealed.

SECTION 8. Sections one and two shall take effect with respect to contributions due on or after April first, nineteen hundred and eighty-nine. Section three shall take effect with respect to contributions due on or after April first, nineteen hundred and ninety-one. Section six shall take effect upon its passage. Section seven shall take effect upon the submission of a final report on April fifteenth, nineteen hundred and ninety-one.

Approved April 4, 1989.

EMERGENCY LETTER: April 4, 1989 @ 4:20 P.M.

Chapter 20. AN ACT AUTHORIZING THE STATE SECRETARY TO SOLEMNIZE 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 in said section thirty-nine, the solemnization of a marriage by Nancy Broff of Washington D.C. and Gerard D'Amico of the city of Worcester, in the town of Sudbury, on April thirtieth, nineteen hundred and eighty-nine between Mary Ann Preskul of the city of Everett and Joseph A. Ricca of the town of Shrewsbury, and the state secretary shall issue to said Nancy Broff and Gerard D'Amico in their capacity as aforesaid a certificate of such authorization.

Approved April 5, 1989.

Chapter 21. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF DENNIS.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Dennis may be recalled therefrom by the registered voters of the town as hereinafter provided, for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance or violation of oath.

SECTION 2. Any twenty-five registered voters of the town of Dennis may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making such affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by the town clerk, with his signature and official seal attached thereto. They shall be dated, shall be addressed to the board of selectmen and shall contain the names of all the 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. Said recall petition shall be returned and filed with the town clerk within twenty days after notification by the town clerk to the moving party that the affidavit has been certified by the registrars of the voters, and shall have been signed by at least twelve 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 one working day of receipt submit the petition to the registrars of voters in the town, and the registrars shall within five working days certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen within seven working days, and the selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided however, that if any other town election is to occur within one hundred days after the date of certification the selectmen shall postpone the holding of the recall election to the date of such other election. No

person shall be subject to recall if his term of office expires within ninety days of the certification. 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 he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If 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 the said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question are in the negative, the ballots for candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within ninety days after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters of the town.

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

SECTION 9. This act shall take effect on July first, nineteen hundred and eighty-nine.

Approved April 5, 1989.

Chapter 22. AN ACT AUTHORIZING THE TOWN OF MENDON TO TRANSFER A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

The town of Mendon, acting by and through its conservation commission, is hereby authorized to transfer a certain parcel of conservation land to the management of the park department for recreational use. Said parcel being bounded and described as follows:

A 16,367 square foot parcel of land located on the southerly side of Nipmuc Woods easterly of Taft Avenue and northerly of Millville Road.

Beginning at the southwesterly corner at a drill hole at a corner of walls on the northerly property line between Memorial Field and Nipmuc Woods,

THENCE: North-79-26-10-East, a distance of 120-feet to a point on the wall by Memorial Field,

THENCE: North-10-33-50-West, a distance of 140-feet by land of Nipmuc Woods to a corner,

THENCE: South-79-26-10-West a distance of 120-feet by land of Nipmuc Woods to a corner,

THENCE: South-10-33-50-East, a distance of 88.15-feet by land of Nipmuc Woods to a corner between Nipmuc Woods and Memorial Field on a wall,

THENCE: North-76-17-03-East, a distance of 16.72-feet to a stake at a corner of walls by land of Memorial Field,

THENCE: South-06-59-16-West, a distance of 55.35-feet by a wall to the point of beginning.

Approved April 5, 1989.

Chapter 23. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF GREAT BARRINGTON.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Great Barrington a department of public works, which shall be under the jurisdiction of the board of selectmen.

SECTION 2. The board of selectmen of said town shall have and exercise all the powers and duties now or from time to time vested by

any general or special law or town by-law in the highway department, sewer department, cemetery department, parks department and the office of tree warden and such departments and offices are hereby abolished. No contracts or liabilities in force on the effective date of this act shall be affected, but the board of selectmen shall in all respects be the lawful successor of the departments and offices so abolished. All employees of those departments shall immediately upon the effective date of this act be transferred to the department of public works and shall not lose under this change or transfer any rating, seniority, retirement or pension rights, or any other rights or privileges under any provisions of law whatsoever.

SECTION 3. The department of public works shall be supervised by a superintendent of public works appointed by the board of selectmen. Said superintendent shall hold a degree in civil engineering and shall be a professional engineer registered in the commonwealth, or shall possess equivalent training, experience and certification. He shall be responsible for the operational and administrative functions of the department of public works in accordance with a job description to be developed by said board of selectmen. The salary and term of office of said superintendent shall be determined by said board of selectmen, subject to appropriation by the town meeting. Said superintendent shall hold office subject to the will of said board of selectmen.

SECTION 4. All equipment owned by the town of Great Barrington and under the control of the highway, sewer, cemetery or parks department, or the tree warden, shall be under the control and supervision of the department of public works. The board of selectmen shall prepare and provide job descriptions for the employees of the department of public works.

SECTION 5. There shall be established in the town of Great Barrington a cemetery commission and a recreation commission. Each commission shall consist of three members appointed by the board of selectmen for terms identical to the previous elected terms of said commissions. Members of the cemetery commission and the parks and recreation commission elected on the date of acceptance of this act, and elected incumbents whose terms do not expire until subsequent elections, shall be appointed members of said commissions and shall serve until the expiration of their elected terms. The cemetery commission shall control all business matters pertaining to the town's cemeteries, other than maintenance, and shall control the care and expenditure of perpetual care funds and the recreation commission shall be responsible for formulating and administering the town's recreational program.

SECTION 6. The incumbent tree warden on the effective date of this act shall continue to perform all the functions of said office under the direction of the superintendent of public works.

SECTION 7. This act shall constitute a general by-law of the town of Great Barrington, and any further changes in the composition or administration of the department of public works shall be accomplished by amendments to said by-law in the manner provided in the Great Barrington Code.

SECTION 8. This act shall be submitted for acceptance by the voters of the town of Great Barrington at the annual town meeting to be held in the year nineteen hundred and eighty-nine, or at any regular or special town election thereafter. Said submission shall be 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 nineteen hundred and eighty-nine annual town meeting, or upon the official ballot of any regular or special town election held thereafter:

"Shall an act passed by the General Court in the year nineteen hundred and eighty-nine, entitled 'An Act Establishing a Department of Public Works in the Town of Great Barrington', be accepted?"

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

If this act is rejected when so submitted, it may be again submitted in the same manner at the annual town meeting next following its rejection, and if accepted shall take effect as heretofore provided. If this act is again rejected after having been submitted for the second time, it shall not be submitted again and shall not take effect.

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

Approved April 11, 1989.

Chapter 24. AN ACT AUTHORIZING THE TOWN OF DOVER TO CONVEY A CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Dover, acting by and through its board of selectmen, is hereby authorized to convey to Phillip G. Terrell a certain parcel of park land. Said parcel of land is shown as Lot 4A on a plan entitled "Plan of Land in Dover, Mass" by Cheney Engineering Co., Inc. dated February 26, 1988, on file with the planning board of said town.

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

Approved April 13, 1989.

Chapter 25. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO REIMBURSE CERTAIN MONIES PAID IN ERROR AS REAL ESTATE TAXES.

Be it enacted, etc., as follows:

SECTION 1. The town of Franklin is hereby authorized to reimburse Donald F. Van Leeuwen the sum of four hundred and forty-nine dollars and eighty-five cents and the interest thereon paid to said town as real estate taxes in error for the fiscal year nineteen hundred and eighty-seven on property described as parcel 83-1-1 on the assessors map for said town.

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

Approved April 13, 1989.

Chapter 26. AN ACT FURTHER REGULATING THE CHERRY VALLEY SEWER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 729 of the acts of 1963 is hereby amended by striking out sections 7 and 8 and inserting in place thereof the following two sections:-

Section 7. The district shall, by vote, determine what proportion of the cost of said system or systems of sewerage and sewage disposal the district shall pay. In providing for the payment of the cost of said system or systems, or for the use of said system or systems, the district may avail itself of any or all of the methods permitted by General Laws; and the provisions of said General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon, shall apply to assessments made under this act. At the same meeting at which it determines the proportion of the cost which is to be borne by the district, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of such assessments for apportionments thereof to the sewer commissioners, who shall preserve a record thereof. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, however, that no estate shall be subject to any tax assessed on account of the system of sewerage under this act, if, in the judgment of the board of sewer commissioners herein provided for, after a hearing, due notice whereof shall have been given,

such estate is so situated that it will receive no aid from the said sewerage system, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be connected with the said system in any ordinary or reasonable manner; but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by said board of sewer commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

Section 8. For the purpose of paying the necessary expenses and liabilities incurred under chapter seven hundred and twenty-nine of the acts of nineteen hundred and sixty-three, as amended by this act, the district may, from time to time, borrow such sums as may be necessary, not exceeding, in the aggregate twelve million dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Cherry Valley Sewer District Loan, Act of 1963, as amended. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 2. Said chapter 729 is hereby further amended by adding the following section:-

Section 16. All actions taken by the commissioners of the Cherry Valley Sewer District since nineteen hundred and sixty-three in furtherance of establishing a sewerage system within the district are hereby ratified, validated, and confirmed.

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

Approved April 13, 1989.

Chapter 27. AN ACT ESTABLISHING THE BOARD OF WATER AND SEWER COMMISSIONERS IN THE TOWN OF HOPKINTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Hopkinton a board of water and sewer commissioners which shall be the successors to the board of water commissioners and shall be elected in like manner.

Said water and sewer commissioners shall have all the powers of water commissioners and sewer commissioners as provided in the General Laws and shall have exclusive charge and control of the water department and systems and the sewer department and systems, subject to by-law and such rules and regulations as the town meeting may, from time to time, adopt.

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

Approved April 13, 1989.

Chapter 28. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF WORCESTER AS THE WALTER ANTUL AND HENRY ANTUL MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

Chapter 41 of the acts of 1986 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The bridge on West Boylston street, known as the Summit bridge, in the city of Worcester shall be designated and known as the Walter Antul and Henry Antul Memorial bridge in memory of Walter Antul and Henry Antul, both of whom were killed while serving in the armed forces of the United States during World War II.

Approved April 14, 1989.

Chapter 29. **AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF CHELMSFORD.**

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Chelmsford a department of public works, hereinafter called the department, which shall be under the jurisdiction of the board of selectmen.

The department shall have all of the powers and duties now vested in or exercised by any of the following departments or offices, which shall be renamed divisions and included within the department of public works: highway, engineering, recreation, public buildings, park and tree warden. There shall also be a sewer division which shall operate each sewer line, or sewer system at the time that the sewer line or sewer system is completed and becomes operational. The present sewer commission shall continue in existence and shall supervise, manage and control the construction of sewer lines within the town of Chelmsford. On January first, two thousand and five, said sewer commission shall be dissolved and all functions, assets and indebtedness shall be included in the sewer

division of the department of public works. Upon dissolution of the Chelmsford industrial sewer district, pursuant to section nineteen of chapter four hundred and twenty of the acts of nineteen hundred and eighty-five, its functions, assets and indebtedness shall be included in the sewer division of the department of public works. The town may, by by-law, add, abolish, rename or combine divisions, and their functions within the department. No contracts, obligations or liabilities in force on the effective date of this act, or on the date on which a present department or commission is included within the department, shall be affected hereby, but the department shall in all respects be the lawful successor of the agencies included as divisions within said department.

SECTION 2. The board of selectmen shall appoint a director of public works whose qualifications, powers and duties shall be determined by said board, and who shall be responsible to said board. The director shall have full authority over the operations of the department and in the implementation of the policies established by said board. The director shall appoint and remove such staff assistants and employees as he deems necessary, subject to available appropriations and subject to the approval of said board. Such staff may include a supervisor for each division. The director shall hold office subject to the will of said board. Said director shall not be subject to the provisions of section nine A of chapter thirty, or chapter thirty-one of the General Laws.

SECTION 3. The board of selectmen shall be responsible for providing job descriptions for all employees of the department.

SECTION 4. The position of tree warden shall be appointed by the director of the department as the supervisor of the division of tree warden. The position of tree warden may be abolished, or its function combined with another division of the department by by-law.

SECTION 5. The park commission is hereby abolished and its functions shall be performed by the park division of the department as set forth in section one. There shall be an advisory public grounds committee, comprised of seven individuals, appointed by the board of selectmen for three year, staggered terms. Initially, the committee shall be comprised of two of the three current members of the park commission, two members of the playground and recreation commission, one member of the cemetery commission, one representative of the school department and one member of the public. The town may, by by-law, specify the qualifications of all subsequent members of the advisory public grounds committee. Staffing for the advisory committee shall be provided by the director of public works and the superintendent of parks.

SECTION 6. This act shall take effect upon its acceptance by the town.

Approved April 14, 1989.

Chapter 30. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE TOWN OF NORTON RELATIVE TO CERTAIN ZONING BY-LAWS.

Be it enacted, etc., as follows:

SECTION 1. All actions taken by the town of Norton relative to Article 9 of a special town meeting held on August sixth, nineteen hundred and seventy-nine; Article 39 of the annual town meeting held on May seventh, nineteen hundred and eighty; and Articles 16 and 18 of the annual town meeting held on June sixth, nineteen hundred and eighty-one and all actions taken pursuant thereto are hereby validated, confirmed and ratified, notwithstanding any defect or omission.

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

Approved April 24, 1989.

Chapter 31. AN ACT DESIGNATING THE HONORABLE BRUCE N. FREEMAN MEMORIAL BIKE PATH.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to designate all or a portion of the proposed eighteen mile bikeway which is to run through the city of Lowell and the towns of Chelmsford, Westford, Carlisle, Acton, Concord, and Sudbury as the Honorable Bruce N. Freeman Memorial Bike Path in honor of representative Bruce N. Freeman who served the towns of Chelmsford and Tyngsboro as their state representative. A suitable marker bearing such designation shall be erected by the department of public works in compliance with the standards of said department.

Approved April 25, 1989.

Chapter 32. AN ACT AUTHORIZING THE TOWN OF TRURO TO HOLD AN ANNUAL TOWN MEETING IN THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Truro may hold its annual town meeting on April twenty-sixth, nineteen hundred and eighty-nine and any adjournments thereof, at Provincetown high school in the town of Provincetown.

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

Approved April 25, 1989.

Chapter 33. AN ACT EXEMPTING THE POSITION OF CITY AUDITOR IN THE CITY OF EVERETT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of city auditor in the city of Everett shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of city auditor in the city of Everett on the effective date of this act.

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

Approved April 26, 1989.

Chapter 34. AN ACT EXTENDING THE TIME FOR FILING FOR CERTAIN ABATEMENTS IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-nine of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the board of assessors of the town of Lexington is hereby authorized to receive abatement applications for the fiscal year nineteen hundred and eighty-seven from those owners of property shown on assessors map 21 whose property was incorrectly assessed until December thirty-first, nineteen hundred and eighty-nine.

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

Approved April 26, 1989.

Chapter 35. AN ACT DESIGNATING THE BRIDGE ON WEST CHESTNUT STREET IN THE CITY OF BROCKTON AS THE AMERICAN LEGION BROCKTON POST #35 MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on West Chestnut street over state highway Route 24 and numbered 006 699 002 in the city of Brockton shall be designated and known as the American Legion Brockton Post #35 Memorial bridge, in recognition of the contribution of said post's past and present members to the defense of this nation and of said post's continuing work to help improve the community. The department of public works shall erect suitable markers bearing such designation in compliance with the standards of said department.

Approved April 26, 1989.

Chapter 36. AN ACT ESTABLISHING THE POSITION OF HIGHWAY SUPERINTENDENT IN THE TOWN OF SANDWICH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws, the position of highway surveyor in the town of Sandwich is hereby abolished.

SECTION 2. The board of selectmen of the town of Sandwich is hereby authorized to appoint a superintendent of public works with such responsibility as said board shall from time to time determine including the duties of a highway surveyor under the provisions of section sixty-two of chapter forty-one of the General Laws.

SECTION 3. Notwithstanding the provisions of sections one and two, the incumbent in the position of highway surveyor upon the effective date of this act shall continue to hold such position and perform the duties thereof until the expiration of his term or a precedent vacating of such position.

Approved April 26, 1989.

Chapter 37. AN ACT FURTHER REGULATING USE OF BLUE FLASHING LIGHTS ON CERTAIN MOTOR VEHICLES.

Be it enacted, etc., as follows:

The sixth paragraph of section 7E of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "registrar", in line 62, the following words:- , (vi) a vehicle operated by a chaplain of a municipal police department while on official duty and only by authority of a permit issued by the registrar.

Approved April 26, 1989.

EMERGENCY LETTER: April 26, 1989 @ 10:06 A.M.

Chapter 38. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO ABATE AND REFUND CERTAIN PROPERTY TAXES.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the city of Lawrence, acting through its board of assessors, is hereby authorized to abate real estate taxes assessed on the property located at three hundred fifty-two Prospect street in said city in the amount of six hundred seventy-nine dollars and thirty-five cents in the fiscal year nineteen hundred and eighty-four and to refund to the estate of Dominic Pappalardo said amount.

Approved April 26, 1989.

Chapter 39. AN ACT FURTHER REGULATING THE PAYMENT OF CORPORATION EXCISE ESTIMATED TAXES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 63B of the General Laws is hereby amended by striking out sections 2 to 4, inclusive, as appearing in the 1986 Official Edition, and inserting in place thereof the following five sections:-

Section 2. Every corporation which in any taxable year can reasonably expect to have an estimated tax for such taxable year in excess of one thousand dollars shall make payments of estimated tax pursuant to sections three to five, inclusive, and section seven.

Section 3. (a) Except as otherwise provided in this section, in the case of any underpayment of estimated tax by a corporation, there shall be added to the tax due under chapter sixty-three, or any law in lieu thereof, and under any law in addition thereto, for the taxable year an amount determined at the rate of eighteen percent per annum upon the amount of such underpayment for the period of such underpayment.

(b) For the purposes of subsection (a), the "amount of such underpayment" shall mean the excess of the required installment over the amount, if any, of the installment paid on or before the due date for the installment; and the "period of such underpayment" shall mean the period of time from the due date of the installment to the fifteenth day of the third month following the close of the taxable year, or with respect to any portion of the underpayment, the date on which such portion is paid, whichever is the earlier. A payment of estimated tax shall be credited against unpaid required installments in the order in which such installments are required to be paid.

(c) For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year and shall be equal to forty percent

of the required annual payment; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; and the fourth installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining ten percent of the required annual payment. Except as otherwise provided in this subsection, the term "required annual payment" shall mean the lesser of:

(i) ninety percent of the tax shown on the return for the taxable year or, if no return is filed, ninety percent of the tax for such year, or

(ii) one hundred percent of the tax shown on the return of the corporation for the preceding taxable year, or

(iii) ninety percent of the tax for the taxable year or, if no return is filed, ninety percent of the tax for such year determined by using the income apportionment percentage, if any, applicable for the preceding taxable year in computing its net income subject to tax under chapter sixty-three.

Clause (ii) shall not apply in the case of a large corporation, as defined in section sixty-six hundred and fifty-five (g) of the Internal Revenue Code of the United States, as amended on January first, nineteen hundred and eighty-nine and in effect for the taxable year except for purposes of determining the amount of the first required installment for any taxable year; provided, however, that any reduction in such first installment by reason of this provision shall be recaptured by increasing the amount of the next required installment by the amount of such reduction.

Section 4. The first required installment of estimated tax shall be paid on or before the fifteenth day of the third month of the taxable year, except that if the requirements of section two are first met: (a) after the last day of the second month and before the first day of the sixth month of the taxable year, the first required installment shall be paid on or before the fifteenth day of the sixth month of the taxable year; (b) after the last day of the fifth month and before the first day of the ninth month of the taxable year, the first required installment shall be paid on or before the fifteenth day of the ninth month of the taxable year; or (c) after the last day of the eighth month and before the first day of the twelfth month of the taxable year, the first required installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year.

Section 4A. If the first required installment of estimated tax is paid after the fifteenth day of the third month of the taxable year and is required by section four to be paid on or before the fifteenth day of the sixth month of the taxable year, sixty-five percent of the estimated tax shall be paid; the second required installment shall be paid on or before the fifteenth day of the ninth month of the taxable year and shall be equal to twenty-five percent of the estimated tax; and the last installment shall be paid on or before the fifteenth day of the twelfth

month of the taxable year and shall be equal to the remaining ten percent of the estimated tax.

If the first required installment of estimated tax is paid after the fifteenth day of the sixth month of the taxable year and is required by section four to be paid on or before the fifteenth day of the ninth month of the taxable year, ninety percent of the estimated tax shall be paid; and the last installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining ten percent of the estimated tax.

If the first required installment of estimated tax is paid after the fifteenth day of the ninth month of the taxable year and is required by section four to be paid on or before the fifteenth day of the twelfth month of the taxable year, the estimated tax shall be paid in full on or before the fifteenth day of the twelfth month of the taxable year.

Section 4B. A corporation that has less than ten employees and is in its first full taxable year of doing business shall not be subject to the schedules set forth in subsection (c) of section three and section four A. For purposes of such corporation there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first such installment shall be paid on or before the fifteenth day of the third month of the taxable year and shall be equal to thirty percent of the required annual payment; the second such installment shall be paid on or before the fifteenth day of the sixth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; the third such installment shall be paid on or before the fifteenth day of the ninth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; and the fourth such installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining twenty percent of the required annual payment.

If the first required installment of estimated tax is paid after the fifteenth day of the third month of the taxable year and is required by section four to be paid on or before the fifteenth day of the sixth month of the taxable year, fifty-five percent of the estimated tax shall be paid; the second required installment shall be paid on or before the fifteenth day of the ninth month of the taxable year and shall be equal to twenty-five percent of the estimated tax; and the last installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining twenty percent of the estimated tax.

If the first required installment of estimated tax is paid after the fifteenth day of the sixth month of the taxable year and is required by section four to be paid on or before the fifteenth day of the ninth month of the taxable year, eighty percent of the estimated tax shall be paid; and the last installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining twenty percent of the estimated tax.

If the first required installment of estimated tax is paid after the

fifteenth day of the ninth month of the taxable year and is required by section four to be paid on or before the fifteenth day of the twelfth month of the taxable year, the estimated tax shall be paid in full on or before the fifteenth day of the twelfth month of the taxable year.

Such corporations shall be subject to all other provisions of this chapter.

SECTION 2. The provisions of section six of said chapter sixty-three B are hereby suspended for the period of time this act is in effect.

SECTION 3. The provisions of section eight of said chapter sixty-three B are hereby suspended for the period of time this act is in effect.

SECTION 4. Said chapter 63B is hereby further amended by striking out section 9, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 9. Any officer, director or employee of any corporation which is required under this chapter to pay an estimated tax, who shall be wilfully responsible for the failure of said corporation to pay any installment of estimated tax due thereunder shall be liable for the amount of tax thereby lost to the commonwealth, and to a penalty of not less than five hundred nor more than five thousand dollars.

SECTION 5. Notwithstanding the provisions of sections one to four, inclusive, a corporation subject to the provisions of chapter sixty-three B of the General Laws whose first required installment payment of estimated tax for a taxable year ending on or after December thirty-first, nineteen hundred and eighty-nine was made prior to the effective date of this act, shall increase its second required installment payment of estimated tax by the difference between its first required installment payment estimated tax and the amount that would have been required at that time if said sections one to four, inclusive, had been in effect at the time of such first required installment payment.

SECTION 6. This act shall apply to taxable years ending on or after December thirty-first, nineteen hundred and eighty-nine.

SECTION 7. This act shall cease to be operative after December thirty-first, nineteen hundred and ninety.

Approved April 26, 1989.

EMERGENCY LETTER: April 26, 1989 @ 10:06 A.M.

Chapter 40. AN ACT RELATIVE TO THE WATER SUPPLY AND SEWER SYSTEMS OF THE TOWN OF SOUTHBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter forty-four of the General Laws, or any other general or special law to the contrary, the maturities of bonds or notes issued by the town of Southbridge for acquisition and establishment of a water supply system and related facilities and other costs incidental to such acquisition and establishment shall either 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 town treasurer, or be arranged in accordance with a schedule providing for a more rapid amortization of principal; provided, however, that the first annual payment may be deferred to the extent permitted by section nineteen of said chapter forty-four. Project costs to be financed by the issue of the bonds or notes may include interest incurred, including interest incurred on any bonds or notes issued prior to the effective date of this act, for a period of up to twelve months after the date of the original borrowing or, if later, twelve months after the town's acquisition of the property of the Southbridge Water Supply Company. Any net earnings derived from investment of the proceeds of the bonds or notes may be expended by the town treasurer to pay interest on the bonds or notes but otherwise shall be used only for construction, equipping, operation or maintenance of the town's water supply system and related facilities. Except as otherwise provided in this act, indebtedness incurred by the town for the project shall be subject to the applicable provisions of said chapter forty-four. User charges shall be set at a level sufficient with other water system revenues to pay all the costs of water system operations and debt service.

SECTION 2. The town of Southbridge is hereby authorized to enter into an agreement or agreements with any public or private entity for the management and operation of all or a portion of the water supply system of said town, the sewer system of said town and related facilities. Any such agreement shall provide for a term not to exceed three years, but may be renewed from time to time.

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

Approved April 27, 1989.

Chapter 41. AN ACT ESTABLISHING THE BAKER HILL ROAD DISTRICT IN THE TOWN OF LANESBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established within the town of Lanesborough, hereinafter referred to as the town, the Baker Hill Road District, hereinafter referred to as the District, bounded and described as follows:

A. The District shall consist of two parcels of land in the town of Lanesborough, lying westerly of state highway Route 8, northerly of the town line between the town of Lanesborough and the city of Pittsfield, Massachusetts, and easterly of state highway Route 7 and more particularly bounded and described as follows:

PARCEL ONE

Beginning at an iron pipe on the easterly side of Route 7, said iron pipe being southerly along said sideline a distance of 683.03 feet from a Massachusetts Highway Bound in the easterly sideline of Route 7; thence the following two courses along land of Baker Farm Associates S89°24'04"E a distance of 717.00 feet to a point, easterly on a curve to the left of radius 1960.00 feet an arc length of 242.64 feet to a point; thence the following twelve courses through land of Berkshire Mall Group, S89°24'04"E a distance of 238.28 feet to a point, easterly on a curve to the right of radius 755.00 feet an arc length of 208.34 feet to a point, S73°35'25"E a distance of 99.97 feet to a point, easterly and northeasterly on a curve to the left of radius 495.00 feet an arc length of 280.76 feet to a point, N73°54'44"E a distance of 140.97 feet to a point, northeasterly on a curve to the right of radius 1305.00 feet an arc length of 551.57 feet to a point, easterly on a curve to the right of radius 2555.00 feet an arc length of 429.27 feet to a point, southeasterly on a curve to the right of radius 1305.00 feet an arc length of 498.09 feet to a point, S50°22'37"E a distance of 147.75 feet to a point, southeasterly and northeasterly on a curve to the left of radius 895.00 feet an arc length of 977.69 feet to a point, N67°02'00"E a distance of 205.14 feet to a point, easterly and southeasterly on a curve to the right of radius 630.00 feet an arc length of 773.29 feet to a point; thence through land of Berkshire Mall Group and land now or formerly of Basil A. Petricca S42°38'20"E a distance of 1652.08 feet to a point on the westerly sideline of Partridge Road, an 1860 County Way; thence along said westerly sideline of Partridge Road S17°04'29"W a distance of 127.39 feet to a point; thence through land now or formerly of said Petricca and Berkshire Mall Group N42°38'20"W a distance of 1716.33 feet to a point; thence the following twelve courses along land of Berkshire Mall Group, northwesterly and westerly on a curve to the left of radius 520.00 feet an arc length 638.27 feet to a point, S67°02'00"W a distance of 205.14 feet to a point, southwesterly and northwesterly on a curve to the right of radius 1005.00 feet an arc length of 1097.86 feet to a point, N50°22'37"W a distance of 147.75 feet to a point, northwesterly on a curve to the left of radius 1195.00 feet an arc length of 456.10 feet to a point, westerly on a curve to the left of radius 2445.00 feet an arc length of 410.79 feet to a point, southwesterly on a curve to the left of radius 1195.00 feet an arc length of 505.07 feet to a point, S73°54'44"W a distance of 140.97 feet to a point, southwesterly and westerly on a curve to the right of radius 605.00 feet an arc length of 343.15 feet to a point, N73°35'25"W a distance of 99.97 feet to a point, westerly on a curve to the left of radius 645.00 feet

an arc length of 177.99 feet to a point, N89°24'04"W a distance of 1197.30 feet to a point on the aforementioned easterly sideline of Route 7; thence along said easterly sideline N00°35'55"E a distance of 95.00 feet to the point of beginning.

PARCEL TWO

Beginning at a point on the town line between Lanesborough, Mass., and Pittsfield, Mass., said point being S76°56'28"E a distance of 479.72 feet from a town line bound on the westerly side of Partridge Road, an 1860 County Way; thence through land now or formerly of Basil A. Petricca N42°38'20"W a distance of 479.01 feet to a point in the easterly sideline of said Partridge Road; thence along the easterly sideline of said Partridge Road N17°04'29"E a distance of 328.13 feet to a point; thence the following four courses through land now or formerly of said Petricca, S53°56'56"E a distance of 84.93 feet to a point, S42°38'20"E a distance of 500.00 feet to a point, N73°55'34"E a distance of 223.61 feet to a point, S69°58'22"E a distance of 33.09 feet to a point at land of Berkshire Mall Group; thence along land now or formerly of said Petricca, through land of Berkshire Mall Group, and along land now or formerly of said Petricca N13°03'32"E a distance of 1362.84 feet to a point; thence along land now or formerly of said Petricca N53°59'09"E a distance of 1748.64 feet to a point on the westerly sideline of Gulf Road, a 1794 County Way; thence the following eleven courses along said westerly sideline of Gulf Road, S18°10'06"E a distance of 169.28 feet to a point, S22°35'39"E a distance of 141.81 feet to a point, S11°57'59"E a distance of 246.90 feet to a point, S04°31'39"E a distance of 191.43 feet to a point, S03°15'21"W a distance of 309.43 feet to a point, southeasterly on a curve to the left of radius 163.79 feet an arc length of 105.80 feet to a point, S03°15'21"W a distance of 83.56 feet to a point, S48°36'09"E a distance of 77.87 feet to a point, N44°27'02"E a distance of 33.05 feet to a point, N44°27'02"E a distance of 21.15 feet to a point, S65°23'57"E a distance of 235.42 feet to a point on the westerly sideline of land of the Boston and Maine Railroad, the last nine courses also being along Old State Road, a 1911 Layout/a 1930 Discontinuance; thence the following four courses along land of the Boston and Maine Railroad, S24°26'42"W a distance of 380.96 feet to a point, southwesterly on a curve to the left of radius 3869.33 feet an arc length of 228.34 feet to a point, southerly on a curve to the left of radius 1918.06 feet an arc length of 1108.18 feet to a point, S12°02'22"E a distance of 65.39 feet to a point; thence through land of the Boston and Maine Railroad S76°56'28"E a distance of 91.10 feet to a point; thence the following three courses along the easterly sideline of the Boston and Maine Railroad, N12°02'22"W a distance of 104.03 feet to a point, northerly on a curve to the right of radius 1835.56 feet an arc length of 387.67 feet to a point, N11°06'06"E a distance of 79.60 feet to a point on the westerly sideline of Route 8, a 1956 Mass. State Highway Relocation; thence the

following two courses along said Route 8, southeasterly on a curve to the left of radius 1050.00 feet an arc length of 468.60 feet to a point, S23°31'19"E a distance of 329.16 feet to a point on said town line between Lanesborough and Pittsfield; thence along said town line N76°56'28"W a distance of 2646.67 feet to the point of beginning.

B. The road referred to in this act shall consist of a two-and three-lane paved road running in a generally east-west direction, be constructed in accordance with specifications duly approved under applicable law and be situated on two parcels of land in the town of Lanesborough, lying easterly of state highway Route 7, northerly of the town line between the town of Lanesborough and the city of Pittsfield westerly of state highway Route 8 and more particularly bounded and described as follows:

PARCEL ONE

Beginning at an iron pipe on the easterly side of Route 7, said iron pipe being southerly along said sideline a distance of 683.03 feet from a Massachusetts Highway Bound in the easterly sideline of Route 7; thence along land of Baker Farm Associates S89°24'04"E a distance of 261.00 feet to a point; thence the following thirteen courses through land of Berkshire Mall Group: S00°35'56"W a distance of 10.00 feet to a point, S89°24'04"E a distance of 936.30 feet to a point, easterly on a curve to the right of radius 730.00 feet an arc length of 201.44 feet to a point, S73°35'25"E a distance of 99.97 feet to a point, easterly and northeasterly on a curve to the left of radius 520.00 feet an arc length of 294.94 feet to a point, N73°54'44"E a distance of 140.97 feet to a point, northeasterly on a curve to the right of radius 1280.00 feet an arc length of 541.00 feet to a point, northeasterly on a curve to the right of radius 2530.00 feet an arc length of 425.07 feet to a point, northeasterly on a curve to the right of radius 1280.00 feet an arc length of 488.54 feet to a point, S50°22'37"E a distance of 147.75 feet to a point, northeasterly on a curve to the left of radius 920.00 feet an arc length of 1005.00 feet to a point, N67°02'00"E a distance of 205.14 feet to a point, easterly on a curve to the right of radius 605.00 feet an arc length of 742.61 feet to a point; thence thru land of Berkshire Mall Group and land now or formerly of Basil A. Petricca S42°38'20"E a distance of 1666.68 to a point on the westerly sideline of Partridge Road, an 1860 County Way; thence along said westerly sideline of Partridge Road S17°04'29"W a distance of 69.48 feet to a point; thence thru land now or formerly of said Petricca and Berkshire Mall Group N42°38'20"W a distance of 1701.73 feet to a point; thence the following fourteen courses along land of Berkshire Mall Group, southwesterly and northwesterly on a curve to the left of radius 545.00 feet an arc length of 668.96 feet to a point, S67°02'00"W a distance of 205.14 feet to a point, northwesterly and southwesterly on a curve to the right of radius 980.00 feet an arc length of 1070.55 feet to a point, N50°22'37"W a distance of 147.75 feet to a point, southwesterly and northwesterly on a curve to left of radius 1220.00 feet an arc

length of 465.64 feet to a point, northwesterly and westerly on a curve to the left of radius 2470.00 feet an arc length of 414.99 feet to a point, westerly on a curve to the left of radius 1220.00 feet an arc length of 515.64 feet to a point, S73°54'44"W a distance of 140.97 feet to a point, westerly on a curve to the right of radius 580.00 feet an arc length of 328.97 feet to a point, N73°35'25"W a distance of 99.97 feet to a point, westerly on a curve to the left of radius 670.00 feet an arc length of 184.89 feet to a point, N89°24'04"W a distance of 936.30 feet to a point, S00°35'56"W a distance of 10.00 feet to a point, N89°24'04"W a distance of 261.00 feet to a point on the aforementioned easterly sideline of Route 7; thence along said easterly sideline N00°35'55"E a distance of 80.00 feet to the point of beginning.

PARCEL TWO

Beginning at a point on the easterly sideline of Partridge Road, an 1860 County Way, said point being S42°38'20"E a distance of 76.42 feet crossing Partridge Road from the end of the fourteenth course in the above described parcel; thence through land now or formerly of Basil A Petricca S42°38'20"E a distance of 730.90 feet to a point; thence through land now or formerly of said Petricca and Berkshire Mall Group, southeasterly on a curve the left of radius 470.00 feet an arc length of 147.29 feet to a point; thence the following nine courses through land of Berkshire Mall Group, S76°56'28"E a distance of 814.67 feet to a point, northeasterly and on a curve to the left of radius 70.00 feet an arc length of 35.40 feet to a point, N30°50'55"E a distance of 60.62 feet to a point, easterly on a curve to the left of radius 570.00 feet an arc length of 201.17 feet to a point, northeasterly on a curve to the left of radius 370.00 feet an arc length of 321.82 feet to a point, northeasterly on a curve to the left of radius 520.00 feet an arc length of 30.02 feet to a point, S36°11'28"E a distance of 61.87 feet to a point, southeasterly on a curve to the left of radius 370.00 feet an arc length of 121.08 feet to a point, southeasterly on a curve to the left of radius 1370.00 feet an arc length of 526.04 feet to a point; thence through land of Berkshire Mall Group, through land of the Boston and Maine Railroad, and through land of Berkshire Mall Group, S76°56'28"E a distance of 122.78 feet to a point; thence the following two courses through land of Berkshire Mall Group, northeasterly on a curve to the left of radius 120.00 feet an arc length of 76.13 feet to a point; N66°42'31"E a distance of 13.66 feet to a point on the westerly sideline of Route 8, a 1956 State Highway; thence along said westerly sideline S23°31'19"E a distance of 70.00 feet to a point; thence through land of Berkshire Mall Group, S66°42'31"W a distance of 59.44 feet to a point; thence through land of Berkshire Mall Group, through land of Boston and Maine Railroad, and through land of Berkshire Mall Group, N76°56'28"W a distance of 198.74 feet to a point; thence the following seven courses through land of Berkshire Mall Group, northwesterly on a curve to the right of radius 1430.00 feet an arc length of 549.08 feet to a point, N69°45 07"W a distance of 183.87 feet to a

point, southwesterly on a curve to the right of radius 430.00 feet an arc length of 263.99 feet to a point, northwesterly on a curve to the right of radius 630.00 feet an arc length of 159.16 feet to a point, S30°50'55"W a distance of 0.55 feet to a point, southwesterly on a curve to the right of radius 130.00 feet an arc length of 92.67 feet to a point, N76°56'28"W a distance of 842.74 feet to a point; thence through land of Berkshire Mall Group and through land now or formerly of said Basil A. Petricca northwesterly on a curve to the right of radius 530.00 feet an arc length of 174.76 feet to a point, thence through land now or formerly of said Petricca, N42°38'20"W a distance of 695.86 feet to a point on the easterly sideline of said Partridge Road; thence along said sideline N17°04'29"E a distance of 69.48 feet to the point of beginning.

SECTION 2. The purposes of the District shall be to acquire the road described in section one, hereinafter referred to as the road, upon substantial completion of its construction and to maintain the road thereafter as a public way. The District shall have all the rights and powers necessary or convenient to carry out and effectuate its purposes, including, but without limiting the generality of the foregoing, the following rights and powers:

(a) to acquire, by purchase, gift or devise the road upon substantial completion of its construction and to maintain the road as a public way of the District,

(b) to adopt by-laws for the regulation of its affairs and the conduct of its business, which by-laws shall be consistent with the powers conferred by this act,

(c) to adopt an official seal and alter the same at pleasure,

(d) to borrow money and pay costs associated therewith as hereinafter provided,

(e) to raise money by taxation for the purposes set forth in this act, but for none other,

(f) to reimburse the town for costs incurred by the town for any services rendered to the District and for all costs incurred by the town before the establishment of the District which are attributable to the establishment of the District or the construction of the road,

(g) to sue and be sued in its own name, and to plead and be impleaded, provided, however, that neither the District nor any officer thereof shall be liable in tort except pursuant to the provisions of chapter two hundred and fifty-eight of the General Laws and provided, further, that the District may indemnify its officers to the extent provided in said chapter two hundred and fifty-eight,

(h) to make and enter into all contracts and agreements necessary or incidental to the accomplishments of its purposes, including contracts and agreements for maintenance of the road for terms of up to the term of any bonds of the District outstanding or expected to be issued and contracts and agreements with the town relative to services rendered to the District by the town, including without limitation the assessment and collection of taxes of the District, the transfer of payments of principal

and interest on indebtedness of the District to the holders thereof and the reimbursement of the town for such services, and the town is hereby authorized to enter into any such contract or agreement and to provide the services therein contemplated,

(i) to employ such consultants and experts as may be deemed necessary in its judgment and to fix their compensation and to fix the compensation, if any, of the district clerk and the district treasurer,

(j) to apply for, receive, accept, administer, expend and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state or federal government, donation or appropriation of any property or money in aid of the purposes of the District and to accept contributions of money, property, labor or other things of value, provided, however, that any such financial aid received by the District from the commonwealth shall not be deemed to be aid received by the town,

(k) to invest any funds not required for the immediate use of the District in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a town, and

(l) to do all acts necessary or convenient to carry out the powers expressly or by necessary implication conferred upon the District by this act.

SECTION 3. The powers conferred upon the District by this act shall be exercised by a prudential committee consisting of three members who shall be residents of the town, two of whom shall be appointed by the board of selectmen of the town, and may be members of said board, and one of whom shall be elected by the owners of the property located in the District in such manner as said board shall deem reasonable. When the District is first established, the terms of the prudential committee members shall be for one, two or three years, so arranged that the term of one member will expire each year and that the term of the elected member shall expire last. The successors to the original members shall serve for terms of three years each. The prudential committee shall appoint a clerk of the District and a treasurer of the District who need not be members of the prudential committee and may be the town clerk and town treasurer, respectively. Two members of the prudential committee shall constitute a quorum and all actions of said committee shall be taken by majority vote except that actions resulting in the incurrence of debt of the District pursuant to section seven of this act shall require the unanimous approval of all members. Meetings of the prudential committee shall be held at least semi-annually and shall be governed by chapter thirty-nine of the General Laws insofar as apt except as otherwise provided by this act. Notice of prudential committee meetings shall be posted in the office of the town clerk and given to the owners of all property located within the District in such manner as the committee may reasonably determine.

SECTION 4. The prudential committee shall provide in the bylaws of the District for the duties of the treasurer and clerk. Unless otherwise provided by the bylaws, the treasurer shall receive and take charge of all money belonging to the District and pay over and account for the same according to the order of the prudential committee. He shall annually render a true account of his receipts and disbursements and a report of his official acts to the prudential committee. The District shall, upon request, reimburse the town for any services performed for the District by the town treasurer, the town clerk or any other officers or employees of the town. The provision of any services to the District by officers or employees of the town, including the town treasurer and town clerk, shall be subject to prior approval by the board of selectmen.

SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, upon the substantial completion to the reasonable satisfaction of the District of the road as described in section one, the District shall acquire the road and maintain it as a public way, and no further action shall be required to establish the road as a public way of the District within the meaning of the provisions of chapter eighty-two or of any other applicable provisions of the General Laws. The applicable provisions of sections fifteen through twenty-seven A, inclusive, of chapter eighty-four of the General Laws shall apply to the District to the same extent as such provisions would apply to a town, and a member of the prudential committee of the District or the clerk of the District may receive and send the notices contemplated by sections nineteen and twenty of said chapter eighty-four.

SECTION 6. The prudential committee shall be responsible for the expenditure and shall expend the money raised and borrowed by the District, and shall annually prepare and approve a budget. Upon approval of the budget, which shall be deemed to constitute an appropriation for the expenses enumerated therein, the clerk shall certify to the assessors of the town the amount of money to be raised as taxes of the District, which shall be assessed and collected in the same manner as town taxes, and shall be paid over to the district treasurer. The assessors and treasurer of the town shall have the same powers and duties relative to the assessment, collection and abatement or granting of exemptions relative to money voted by the District as they have and exercise relative to the assessment, collection and abatement and granting of exemptions relative to town taxes, and the amount so certified shall be assessed upon the land situated within the District, exclusive of improvements thereto or personal property situated thereon, without regard to and without affecting any levy limit which may be applicable to the town. Taxes of the District shall be assessed to provide moneys for the District's budget without regard to any limits imposed under the General Laws. The District shall, at the request of the town, include in each budget compensation to the town for any services rendered and expenses incurred by town officers with respect to the District. The

fiscal year of the District shall be the same fiscal year established by the General Laws or otherwise for the town.

SECTION 7. The District is hereby authorized and empowered to provide by resolution for the issuance, at one time or from time to time of bonds of the District in the aggregate principal amount of ten million dollars outstanding at any one time, excluding bonds refunded by other bonds issued under this paragraph, for the purpose of providing funds for paying the cost of acquisition of and maintenance of the road as described in this act and the costs of issuance of such bonds. Bonds of the District shall be dated, may bear interest at such rate or rates and shall mature at such time or times, not later than twenty-five years from the date of issuance thereof, as may be determined by the prudential committee, and may be made redeemable before maturity at the option of the District at such price or prices and under such terms and conditions as may be fixed by the prudential committee prior to the issue of bonds. The District may sell its bonds in such manner, either at public or private sale, and for such price, at par, premium or discount, as it may determine shall best effectuate the purposes of this act. Insofar as apt, and except as otherwise provided in this act, the provisions of chapter forty-four of the General Laws which apply to districts shall apply to the District. Section nine of said chapter forty-four and the debt limit provisions of said chapter shall not apply to the District. Bonds, notes and other evidences of indebtedness issued or entered into under the provisions of this act shall not be deemed to be a debt or a pledge of the faith and credit of the town, but shall be payable solely from the revenues of the District, and shall not constitute debt of the town outstanding under any debt limits applicable to the town. The District may in its discretion issue bonds, notes or other evidence of indebtedness such that the interest on such indebtedness is or is not includable in the gross income of the holder thereof within the meaning of section one hundred and three of the Internal Revenue Code of 1986. Notwithstanding any other provisions of this act or any other general or special law to the contrary, bonds issued under the provisions of this act shall not be exempt from taxation.

SECTION 8. Bonds or notes may be issued under this act without obtaining the consent of the emergency finance board or of any department, division, commission, board, bureau or agency of the commonwealth or the town, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefor by this act, and the validity of and security for any bonds or notes issued by the District shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things.

SECTION 9. The District may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption.

Refunding bonds may be issued at such time or times prior to the maturity or redemption of the refunded bonds as the District deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of refunding bonds and the expenses of redeeming bonds being refunded. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof and the rights, duties and obligations of the District in respect to the same shall be governed by the provisions of this act relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

SECTION 10. All moneys received pursuant to the provisions of this act, whether as proceeds from the issue of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act.

SECTION 11. The District and all its revenues, income and real and personal property shall be exempt from taxation and from betterments and special assessments and the District shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions.

SECTION 12. The District may, in the discretion of the prudential committee, be dissolved at any time after one year from the date all debt issued by the District has been retired and all liabilities of the District have been satisfied fully. Upon dissolution of the District, the road shall be conveyed to the town as a public way and the title to all funds and other properties owned by it which remain after payment or the making of provision for payment of all bonds and other obligations of the District shall vest in the town. Notwithstanding the foregoing, however, dissolution of the District shall not take effect until the District shall apply to the town for acceptance of the road as a public way of the town and the town shall accept it as such in accordance with chapter eighty-two of the General Laws and other applicable law. If the town refuses to accept the road, the District shall continue in existence and operation in all respects. There shall be no limitation on the number of, or frequency of, applications by the District for acceptance of the road as a public way of the town.

SECTION 13. All by-laws and regulations of the town shall apply to the District and the road to the same extent and in the same manner as the same apply to the town and the public ways of the town.

SECTION 14. This act shall take effect upon its passage.

Approved April 27, 1989.

Chapter 42. AN ACT AUTHORIZING THE ACQUISITION OF LAND IN THE TOWN OF GREENFIELD BY THE TOWN OF LEYDEN.

Be it enacted, etc., as follows:

The town of Leyden is hereby authorized to take by eminent domain under the provisions of chapter seventy-nine of the General Laws or acquire by purchase or otherwise a certain parcel of land in the town of Greenfield for the purpose of relocating a road and repairing the South School House road bridge. Said parcel of land is more particularly bounded and described as follows:-

Beginning at the iron pin at the southwest corner of the land of the Town of Greenfield as described in Book 401, Page 77, Franklin County Registry of Deeds, said iron pin being located 514.50 feet South 84° 33' 07" west of an iron pin at the northeast corner of the land of Richard L. and Sharon A. Mallory as described in Book 1651, Page 235, thence running north 59° 51' 55" east 365 feet to a point in the traveled way of South Schoolhouse Road, a Leyden town road, thence running south 87° 50' 08" west 392.5 feet to a point in the traveled way of said South Schoolhouse Road, thence running south 24° 26' 35" east 185 feet to the point of beginning. (See "Plan showing land in Leyden Prepared for Ephraim and Freida Metelica" and plan of the "Proposed Box Culvert, Schoolhouse Road, Leyden" filed with the clerk of the town of Leyden.

Approved April 27, 1989.

Chapter 43. AN ACT AUTHORIZING THE CONTINUED SERVICE OF JOHN F. GREENE AS CHIEF OF THE CALL FIRE DEPARTMENT OF THE TOWN OF BLACKSTONE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, John F. Greene, chief of the call fire department of the town of Blackstone, is hereby authorized to continue in said position until and including February tenth, nineteen hundred and ninety-one; provided, however, that he is mentally and physically capable of performing the duties of his office; 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 of the General Laws for service subsequent to February tenth, nineteen hundred and eighty-nine, and upon retirement said John F. Greene 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 on February tenth, nineteen hundred and eighty-nine.

Approved April 27, 1989.

Chapter 44. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO RECONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Foxborough, acting by and through its conservation commission, is hereby authorized to reconvey, subject to the approval of the secretary of environmental affairs, to R. Zoppo Co., Inc., or its nominee, a certain portion of the property previously taken by said town pursuant to an eminent domain proceeding by an Order of Taking dated July 14, 1981 and recorded at the registry of deeds in the county of Norfolk on July 17, 1981 in Book 5898, Page 271.

Said parcel is as shown on a Plan of Land in Foxborough, Massachusetts off Cedar Street, Dated December 14, 1988 Bubly Associates, Inc., to be recorded at the registry of deeds in the county of Norfolk.

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

Approved May 2, 1989.

Chapter 45. AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE TOWN OF BILLERICA SEWERAGE PLANT EXPANSION AND INFLOW INFILTRATION FUND.

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 Billerica is hereby authorized to establish a special account to be known as the town of Billerica Sewerage Plant Expansion and Inflow Infiltration Fund. The purpose of such fund is to provide the revenue for the funding of engineering, construction and rehabilitation of sewerage treatment works, pumping stations and facilities located within the town of Billerica 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 groundwater and other sources of leakage into pipes, facilities, and systems. Such special account shall be maintained by the treasurer of the town of Billerica in a banking institution doing business in the commonwealth, and expenditures from said special account shall be made subject to appropriation initiated by the board of selectmen upon the recommendation of the director of public works and the town

administrator of said town 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 said town who are constructing or erecting new buildings or developing land for industrial, commercial 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 set by the board of selectmen. 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 Billerica into said special account for the purpose of providing additional funds for aforesaid engineering, construction and rehabilitation of sewerage treatment works, pumping stations and facilities.

SECTION 4. The treasurer of the town of Billerica 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 director of public works for the town of Billerica, with the approval of the town administrator, may make applications for available state and federal government grants for the engineering, construction and rehabilitation of sewerage treatment works, pumping stations and facilities, and to pledge any and all such sums for money in said account with the approval of the board of selectmen and the town meeting for any such matching grants for engineering, construction and rehabilitation of sewerage treatment works, pumping stations and facilities.

SECTION 6. The town accountant shall file jointly with the board of selectmen, the town administrator, the treasurer, the finance committee 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 board of selectmen may review and comment on said report and file such review with the state auditor.

Approved May 2, 1989.

Chapter 46. AN ACT RELATIVE TO THE LEASING OF CERTAIN REAL PROPERTY BY THE TOWN OF WESTFORD.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Westford is hereby authorized to lease real property for municipal purposes for a period not to exceed ten years.

Approved May 2, 1989.

Chapter 47. AN ACT EXTENDING THE PERIOD OF TIME FOR WHICH CERTAIN LAND IN NORFOLK COUNTY MAY BE USED AS A TEMPORARY MINIMUM SECURITY ALTERNATIVE CORRECTIONAL CENTER.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 109 of the acts of 1987 is hereby amended by striking out, in line 2, the word "eighty-nine" and inserting in place thereof the word:- ninety-one.

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

Approved May 4, 1989.

Chapter 48. AN ACT INCREASING THE MAXIMUM AMOUNT OF FINES WHICH MAY BE IMPOSED FOR VIOLATIONS OF ORDINANCES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 35 of chapter 448 of the acts of 1854, as amended by chapter 78 of the acts of 1976, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- More especially they shall have power to make all such needful and statutory by-laws or ordinances, not inconsistent with the laws of this commonwealth, as towns by the laws of this commonwealth have power to make and establish, and to annex penalties not exceeding three hundred dollars for the breach thereof, which by-laws and ordinances shall take effect and be in force from and after the time therein respectively limited, without the sanction or confirmation of any court or other authority whatsoever.

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

Approved May 4, 1989.

Chapter 49. 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 Daniel Anderson in the town of Harvard on May seventh, nineteen hundred and eighty-nine between Charles Anthony Frean and Mary Agnes Flatley, both of the town of Groton, and the state secretary shall issue to said Daniel Anderson a certificate of such authorization.

Approved May 4, 1989.

Chapter 50. AN ACT AUTHORIZING THE TREASURER OF FRANKLIN COUNTY TO TRANSFER CERTAIN FUNDS.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of Franklin county, with the approval of the advisory board on county expenditures of said county, may transfer all monies remaining in the Post-War Rehabilitation Fund established under the provisions of chapter five of the acts of nineteen hundred and forty-three to the Stabilization Fund of said county and may be expended by the county commissioners, with the approval of said advisory board.

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

Approved May 4, 1989.

Chapter 51. AN ACT EXEMPTING THE POSITION OF SUPERVISOR OF BUILDINGS, GROUNDS AND MAINTENANCE IN THE TOWN OF NORWOOD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of supervisor of buildings, grounds and maintenance in the town of Norwood shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of supervisor of buildings, grounds and maintenance in the town of Norwood on the effective date of this act.

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

Approved May 4, 1989.

Chapter 52. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable John E. Fenton, who is a judge of the land court in the commonwealth, in the town of Brookline on June seventeenth, nineteen hundred and eighty-nine between Zoia Georgevna Bologovsky of the city of Boston and James Gavin Cockfield of the city of Boston, and the state secretary shall issue to said Honorable John E. Fenton in his capacity as aforesaid a certificate of such authorization.

Approved May 4, 1989.

Chapter 53. 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 Maria Lopez, as she is a judge of the Chelsea division of the district court department of the trial court of the commonwealth, in the town of Brookline on June twenty-first, nineteen hundred and eighty-nine between Nadine Gerts of the city of Cambridge and Stephen Lacker of the city of Boston, and the state secretary shall issue to said Maria Lopez in her capacity as aforesaid a certificate of such authorization.

Approved May 4, 1989.

Chapter 54. 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:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, any city or town undertaking a general revaluation of its property under a program approved by the commissioner of revenue for completion and implementation for fiscal year nineteen hundred and eighty-nine is hereby authorized to issue second half notice of estimated tax in lieu of the actual assessment and issuance of the tax bill in fiscal year nineteen hundred and eighty-nine, 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 cash valuations for fiscal year nineteen hundred and eighty-nine 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. The second half notice of estimated tax shall be payable on or before May first of the fiscal year, or the thirtieth day after the mailing of the notice, whichever is later, without payment of interest. Upon certification of full and fair cash valuation, the assessors of such city or town shall establish the tax rate for fiscal year nineteen hundred and eighty-nine and the city or town 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 of the bill for such tax, without payment of interest.

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

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

SECTION 2. The action of the city of New Bedford on November twenty-eighth, nineteen hundred and eighty-eight, in issuing preliminary tax bills is hereby ratified, validated and confirmed.

Approved May 4, 1989.

Chapter 55. AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Marlborough, hereinafter called the city, a traffic commission, hereinafter called the commission, to consist of the chief of police who shall be chairman, the commissioner of public works, the chief of the fire department, the city planner and the city clerk.

SECTION 2. The commission shall have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with general law as modified by this act, relative to pedestrian traffic and to vehicular street traffic in the city and to the movement stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways, under the control of the city, and may prescribe the penalties not exceeding one hundred dollars for the violation of any rule or regulation adopted hereunder. No such rule or regulation, except such special rules and regulations as are declared by vote of the commission to be urgently required by the considerations of public safety or convenience, or such as are of a temporary nature and are to be effective for a period not more than thirty days, shall take effect until published for two successive weeks in one or more newspapers generally circulated in the city. Upon petition of twenty-five registered voters of the city relative to any rule

or regulation adopted or proposed to be adopted under this section, the commission shall hold a public hearing thereon within ten days after the filing with the commission of such petition and final action thereon shall be determined only by vote of a majority of the entire membership of the commission. The commission shall have the power to erect, make and maintain or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of such traffic in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however, to all applicable provisions of the General Laws. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation limiting or modifying the powers of the state department of public works or of the department of public utilities or any power now vested in the mayor, city council or heads of departments with reference to issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

SECTION 3. All existing ordinances and regulations relating to the control of vehicular traffic shall remain in full force and effect until superseded by rules and regulations adopted by the commission under the provisions of this act and the adoption thereof by the commission shall not affect any act done, any right accrued, any penalty incurred or any suit, prosecution pending, at the time of said adoption.

SECTION 4. This act shall take effect upon its acceptance during the current year, by the city of Marlborough, and shall remain in effect until its acceptance is revoked, as provided in section five.

SECTION 5. At any time after the expiration of two years from the date of acceptance of this act, such acceptance may be revoked by the affirmative vote of a majority of the city council of said city. Upon such revocation all existing rules and regulations of the traffic commission shall remain in full force and effect until superseded by ordinances and regulations adopted in accordance with the provisions of law then applicable to said city, and neither such revocation nor such adoption of superseding ordinances or regulations shall affect any act done, any right accrued, any penalty incurred, or any suit, prosecution or proceeding pending prior to said adoption.

SECTION 6. All expenses incurred for the purposes of this act shall be paid by the city of Marlborough. All statutes and ordinances applicable generally to the departments of the city shall apply to the commission.

Approved May 4, 1989.

Chapter 56. AN ACT FURTHER REGULATING THE BORROWING OF MONEY FOR IMPROVEMENTS TO THE BARNSTABLE COUNTY HOSPITAL BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 359 of the acts of 1987 is hereby amended by striking out, in lines 2 and 3, the words "six hundred thousand" and inserting in place thereof the words:- one million.

SECTION 2. Section 2 of said chapter 359 is hereby amended by striking out, in line 5, the words "six hundred thousand" and inserting in place thereof the words:- one million.

Approved May 4, 1989.

Chapter 57. AN ACT FURTHER REGULATING THE BORROWING OF MONEY FOR IMPROVEMENTS TO THE REGISTRY AND SUPERIOR COURTHOUSE BUILDINGS IN BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 398 of the acts of 1986 is hereby amended by inserting after the word "million", in line 2, the words:- five hundred thousand.

SECTION 2. Section 2 of said chapter 398 is hereby amended by inserting after the word "million", in line 5, the words:- five hundred thousand.

Approved May 4, 1989.

Chapter 58. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF EMPLOYEE OWNERSHIP WEEK.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15GGG, inserted by chapter 174 of the acts of 1988, the following section:-

Section 15HHH. The governor shall annually issue a proclamation setting apart the first week in October as Employee Involvement and Employee Ownership Week and recommending that said week be observed by the people in an appropriate manner.

Approved May 4, 1989.

Chapter 59. AN ACT RELATIVE TO THE APPOINTMENT OF CITY SOLICITOR BY THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

Section 34 of chapter 438 of the acts of 1896, as amended by chapter 556 of the acts of 1948, is hereby further amended by striking out, in line 8, clause III and inserting in place thereof the following clause:- III. - A city solicitor, to be confirmed by the board of aldermen. Should the board of aldermen fail to confirm the appointment or reappointment of the city solicitor, the assistant city solicitor shall assume the duties of the city solicitor until the appointment of a city solicitor is confirmed.

Approved May 4, 1989.

Chapter 60. AN ACT FURTHER REGULATING THE WHOLESALER'S MARK-UP ON CIGARETTES.

Be it enacted, etc., as follows:

Section 13 of chapter 64C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out subdivision (c) and inserting in place thereof the following subdivision:-

(c) The term "cost to the wholesaler" shall mean the invoice cost of the cigarettes to the wholesaler, or the replacement cost of the cigarettes to the wholesaler within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash; to which shall be added a wholesaler's mark-up to cover in part the cost of doing business, which wholesaler's mark-up, in the absence of proof of a lesser or higher cost of doing business by the said wholesaler as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead cost and expenses, paid or incurred, including without limitation, labor, salaries of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery, delivery costs, all types of licenses, taxes, insurance and advertising, shall be two per centum of said invoice cost of the cigarettes to the wholesaler, except for sales to chain stores which shall be one-half per centum, plus cartage to the retail outlet if performed or paid for by the wholesaler, which cartage cost shall be deemed to be three-fourths of one percent of the cost of the cigarettes to the wholesaler, unless said wholesaler claims and proves a lower cartage cost, or of the replacement cost of the cigarettes to the wholesaler within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash.

For the purpose of this subdivision, the term "chain store" shall mean any person or persons who own or maintain ten or more retail outlets in the commonwealth, having one hundred percent common ownership or any vending machine operator who operates vending machines in twenty-five or more locations.

Approved May 4, 1989.

Chapter 61. **AN ACT RELATIVE TO THE HOUSING REVIEW BOARD OF THE TOWN OF AMHERST.**

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 72 of the acts of 1986 is hereby amended by striking out paragraphs (b) and (c) and inserting in place thereof the following two paragraphs:-

(b) The board shall consist of seven members who shall be residents of the town of Amherst. The board members shall be appointed by the town manager and approved by the board of selectmen to serve without compensation. Three members shall be appointed to two year terms and two members shall be appointed to one year terms. Thereafter, as the terms of the appointed members expire, their successors shall be appointed to serve two year terms. Vacancies, other than by expiration of terms, shall be filled for the balance of the term by the town manager, with the approval of the board of selectmen. Every member, unless sooner removed, shall serve until the qualification of a successor. A panel of four board members shall be assigned to hear each petition, of whom only three shall preside and vote during the decision. The chair shall appoint the panelists in rotation and according to board members' schedules. If all four members have been present for the full hearing, upon closing the case, one member of the hearing panel shall be eliminated, by lottery, from the discussion of the findings and the vote on the decision.

(c) Five members of the board shall constitute a quorum for all board meetings except meetings of the board to deliberate and decide petitions after the close of the public hearing, for which three members of the panel as constituted pursuant to paragraph (b) shall constitute a quorum. Three members of said panel shall constitute a quorum for all public hearings.

SECTION 2. Clause (2) of paragraph (g) of said section 3 of said chapter 72 is hereby amended by inserting after the word "subsidy", in line 8, the words:- ; provided, however, that nothing in this paragraph shall be construed to exclude any unit from the jurisdiction of the board on the basis that the tenant, or tenants, of such unit receive subsidy from any governmental unit, agency, or authority under the guidelines set forth in the regulations of the relevant governmental unit, agency, or authority; and provided further, that nothing in this paragraph shall be construed to exclude any unit from the jurisdiction of the board where such exclusion will result in the cancellation or withdrawal, by law, of any subsidy provided to the tenant, or tenants, of such unit by any governmental unit, agency, or authority.

SECTION 3. Section 5 of said chapter 72 is hereby amended by striking

out paragraphs (d) and (e) and inserting in place thereof the following two paragraphs:-

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

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

Approved May 4, 1989.

Chapter 62. AN ACT RELATIVE TO PRELIMINARY ELECTIONS IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty-four C of chapter forty-three of the General Laws or any other general or special law to the contrary, any person who is qualified to vote for a candidate for the office of mayor of the city of Springfield and who is a candidate for nomination thereto, 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 within the time prescribed by section ten of chapter fifty-three of the General Laws in the case of preliminary elections in cities he shall file with the city clerk a statement in writing of his candidacy, and with it the petition of at least five hundred voters, qualified to vote for a candidate for the said office.

SECTION 2. Notwithstanding the provisions of section forty-four C of chapter forty-three of the General Laws or any other general or special law to the contrary, any person who is qualified to vote for a candidate for the office of city councillor or school committee member of the city of Springfield and who is a candidate for nomination thereto, 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 within the time prescribed by section ten of chapter fifty-three of the General Laws in the case of preliminary elections in cities he shall file with the city clerk a statement in writing of his candidacy, and with it the petition of a least two hundred voters, qualified to vote for a candidate for the said office.

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

Approved May 9, 1989.

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 Robert T. Hallisey, as he is a judge in the superior court in the commonwealth, in the town of Danvers on May fourteenth, nineteen hundred and eighty-nine between Alexandra Singer Berlind and Douglas Erwin Frey, both of the town of Nahant, and the state secretary shall issue to said Honorable Robert T. Hallisey in his capacity as aforesaid a certificate of such authorization.

Approved May 9, 1989.

Chapter 64. **AN ACT AUTHORIZING THE TOWN OF SUDBURY TO CONVEY CERTAIN LAND TO THE SUDBURY WATER DISTRICT OF SUDBURY.**

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury acting by and through its board of selectmen is hereby authorized to convey a parcel of land presently designated as a play area to the Sudbury Water District of Sudbury for use by said district for public water supply purposes. Said parcel being that certain parcel of land designated as Parcel 239 on Town Property Map H07, off Blueberry Hill Lane, consisting of 1.6 acres, more or less, and further described in Book 8161, Page 583 in the southern district registry of deeds in the county of Middlesex.

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

Approved May 10, 1989.

Chapter 65. **AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO USE A CERTAIN PARCEL OF OPEN SPACE LAND FOR HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby authorized to use a certain parcel of open space land for highway purposes. Said land located in said city is bounded and described as follows:

A certain parcel of land situated between the northerly curb of Wilbraham Road and the southerly curb of State Street.

Beginning at a point that is 60 feet north and 28 feet west of the intersection of the southerly street line of Wilbraham Road and the westerly street line of Eastern Avenue;

Thence S 83°-15'-00" W along the northerly curb of Wilbraham Road a distance of 365.00 feet to a point; thence northeasterly by a curve to the right having a radius of 20.00 feet and a central angle of 172°-46'-32" along the curb an arc distance of 60.31 feet to a point of tangency on the southerly curb line of State Street; thence N 76°-1'-32" E along said curb line a distance of 406.06 feet to a point; thence southerly by a curve to the right having a radius of 12.00 feet and a central angle of 103°-34'-06" along the curb an arc distance of 21.69 feet to a point of tangency on the westerly curb line of Eastern Avenue; thence S 0°-24'-22" W along said curb line a distance of 67.70 feet to a point; thence southwesterly by a curve to the left having a radius of 12.00 feet and a central angle of 66°-50'-42" along curb of Eastern Avenue an arc distance of 14.00 feet to a point; thence N 25°-7'-30" W a distance of 64.88 feet to a point; thence northwesterly by a curve to the left having a radius of 10.00 feet and a central angle of 78°-50'-58" and an arc distance of 13.76 feet to a point of tangency; thence S 76°-1'-32" W a distance of 249.78 feet to a point; thence southeasterly by a curve to the left having a radius of 5.00 feet and a central angle of 166°-26'-03" and an arc distance of 14.52 feet to a point of tangency; thence N 89°-35'-29" E a distance of 248.89 feet to the point of beginning. Said parcel contains 16,134 square feet of land more or less. Said premises is shown on a plan entitled "State Street-Wilbraham Road Intersection Land To Be Transferred From Park Department For Open Space".

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

Approved May 10, 1989.

Chapter 66. AN ACT AUTHORIZING THE TOWN OF ASHLAND TO USE CERTAIN FOREST LAND FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Ashland is hereby authorized to use a certain parcel of forest land located in said town for the purpose of erecting a water storage tank and providing access thereto. Said parcel is shown on a plan of land entitled "Town of Ashland, Massachusetts - Woodridge

Lane Reservoir, prepared by S.E.A. Consultants, Inc., dated June 1, 1988 which is on file in the office of the town clerk of said town.

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

Approved May 10, 1989.

Chapter 67. AN ACT AUTHORIZING THE TOWN OF SUTTON TO LEASE CERTAIN PARK LAND.

Be it enacted, etc., as follows:

The town of Sutton, acting by and through its conservation commission, is hereby authorized to lease, for a period of ninety-nine years a certain parcel of conservation land, with buildings thereon, presently under the care, custody and control of said commission to the Sutton Historical Society, Inc., said land being part of the so-called Waters' farm, said parcel being bounded and described as follows:

Beginning at the southwesterly corner of the parcel to be conveyed at a point on the northerly sideline of Waters Road;

THENCE N.18°30'E., six hundred (600) feet more or less to a point;

THENCE S.71°30'E., two hundred fifty (250) feet more or less to a point;

THENCE S.26°30'E., three hundred thirty (330) feet more or less to a point;

THENCE S.18°30'W., two hundred forty (240) feet more or less to a point on the northerly sideline of Waters Road;

THENCE southwesterly and northwesterly along said sideline of Waters Road five hundred fifty (550) feet more or less to the point of beginning.

Approved May 10, 1989.

Chapter 68. AN ACT AUTHORIZING THE TOWN OF WILLIAMSBURG TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

The town of Williamsburg, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of watershed land to Phillip E. Burrows, Daniel J. Burrows and Daniel G. Kirouac.

Said land is shown on a plan of land entitled "Plan of Land Situated in Williamsburg, Massachusetts made for the inhabitants of the town of Williamsburg" drawn by James Avery Smith, P.L.S., dated January 30, 1988. Said plan is on file with the water department of the town of Williamsburg.

Approved May 10, 1989.

Chapter 69. 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 A. Norris as he is an attorney in the commonwealth, in the city of Northampton, on October twenty-eighth, nineteen hundred and eighty-nine, between Mikal M. Weiss of the city of Northampton and Welli Yeh of the city of Northampton, and the state secretary shall issue to said William A. Norris in his capacity aforesaid a certificate of such authorization.

Approved May 16, 1989.

Chapter 70. AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THOSE IN THE COMMONWEALTH'S CARE AND CUSTODY AND FOR CERTAIN OTHER EMERGENCIES.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain new activities and projects, the sums set forth in sections two and three for the several purposes and subject to the conditions specified therein are hereby appropriated from the General Fund unless specifically designated otherwise in the items, 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, for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine 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.

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JUDICIARY.

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Trial Court.

Notwithstanding any provision of law to the contrary, amounts appropriated in chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight to any item of appropriation within the trial court may be transferred to other items of appropriation within the trial court at the discretion of the chief administrative justice; provided that said chief administrative justice receive approval from the house and senate committees on ways and means of any such transfers.

DISTRICT ATTORNEYS.

0340-0900 Bristol, including not more than sixty positions $50,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Public Employee Retirement System.

1108-6200 For the purposes of workers' compensation paid to public employees, including previous fiscal years $2,000,000

Highway Fund	35.0%
General Fund	65.0%

1599-3651 For a reserve to meet the cost of certain salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Nursing Association (Unit 7); provided, however that payment from said reserve shall be limited to direct care and custody 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 fiscal year 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,

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that said secretary is hereby authorized to allocate the costadjustments and benefits to the several state or other funds to which said items of appropriation are charged; provided further that no transfers shall be made without prior notification of the house and senate committees on ways and means; only provided further, that the provisions of section thirteen of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty eight shall not apply to this appropriation $20,060,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance of the home, including not more than five hundred and seventy positions $238,739

Soldiers' Home in Holyoke.

4190-0100 For the maintenance of the home, including not more than three hundred and eighty-five positions $182,568

DEPARTMENT OF YOUTH SERVICES.

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 $798,000

DEPARTMENT OF CORRECTION.

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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 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 however, 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

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circumstances as approved by the commissioner, including not more than four thousand three hundred and five positions $2,820,515

DEPARTMENT OF PUBLIC WELFARE.

4403-2000 For a program of aid to families with dependent children; provided, that the standard shall be increased five and one-half percent 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 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

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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 $7,414,000

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants to recipients residing in rest homes, as provided in section seven A of chapter one hundred and eighteen A of the General Laws, may be paid from this item $4,226,000

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 percent 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

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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; 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 $10,020,000

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 public welfare to be allocated through an interagency agreement with the executive office of communities and development to recipients of aid to families with dependent children who are receiving emergency assistance and are temporarily housed in hotels, motels or shelters 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 $550,000

DEPARTMENT OF SOCIAL SERVICES.

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 an assessment of all the children in its care longer than twelve months

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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 $1,099,000

4800-0200 For regional direct services; provided, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund; provided further, that not less than four million dollars shall be obligated for purchased social services in region I; provided further, that not less than three million eight hundred thousand dollars shall be obligated for purchased social services in region II; provided further, that not less than four million eight hundred and twenty thousand dollars 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 hundred and fifty thousand dollars shall be obligated for purchased social services in region VI; provided further, that the department shall 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 seven hundred and sixty-eight positions $7,224,979

DEPARTMENT OF MENTAL HEALTH.

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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 thousand and fourteen positions $4,000,000

DEPARTMENT OF MENTAL RETARDATION.

5911-0025 For transportation services for mentally retarded persons attending educational, habilitational or day care services or facilities of the department, said persons being no longer eligible for such services under the provisions of chapter seven hundred and sixty-six of the acts of nineteen hundred and seventy-two, notwithstanding the provisions of any general or special law to the contrary, including not more than twelve positions $1,530,850

5983-0100 For the operation of facilities for the mentally retarded, including not more than ten thousand six hundred and one positions $2,100,000

DEPARTMENT OF EDUCATION.

Board of Education and Commissioner's Office.

7028-0302 For the educational expenses of certain school age children with special needs attending schools under the provisions of section ten of chapter seventy-one B of the General Laws, for the educational expenses of school age children with special needs attending day or residential programs who have no father or mother or guardian living in the commonwealth, and for expenses relating to the provision of special education to certain children transferred from the department of public welfare to the department of education; provided, that said children transferred from the department of public welfare to the department of education were placed by the department of public welfare in a private special education program as of September first, nineteen hundred and seventy-four, have continued to attend such program at the

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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 $1,250,000

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 percent 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 $5,666,666

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Department of Employment and Training.

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 $175,000

SECTION 3.

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.

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 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.

Division of Public Employee Retirement Administration.

1108-6200	The division of public employee retirement administration may expend an amount not to exceed twelve million dollars of revenue accrued from charges to agencies authorized in section thirty-one of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight for hospital, physician, benefits and other costs as provided by section thirty-one	$7,000,000

SECTION 4. The secretary of the executive office for administration and finance is hereby directed to submit a report identifying the amount by which revenues for the fiscal year nineteen hundred and eighty-nine will be insufficient to meet the commonwealth's obligations, and a report specifically addressing the anticipated cash flow problems for said fiscal year.

Said secretary is hereby further directed to submit the following plans: (a) a specific plan for resolving the fiscal year nineteen hundred and eighty-nine deficit by recommending specific measures to bring revenues and expenditures into balance; and (b) a contingency plan for cash flow management for the balance of the fiscal year nineteen hundred and eighty-nine to ensure that there is a sufficient cash flow to meet the commonwealth's liabilities outstanding at the close of said fiscal year.

Said reports and plans shall be filed with the house and senate committees on ways and means within twenty-one days of the effective date of this act.

SECTION 4A. The secretary of the executive office of administration and finance, in conjunction with the commissioner of revenue and the state comptroller, is hereby directed to prepare and release to the public and the general court a monthly financial report. Said report shall include, but not be limited to, a balance sheet outlining the expenditures by department and a summary by source of all tax and nontax revenue collected by the commonwealth for the given month. Said report shall include year to date expenditure and revenue comparisons, as well as, a comparison of revenue collections and expenditures to those of the previous year. Said report shall include a narrative outlining any account in which expenditure rates are exceeding the appropriation level and an explanation for such overspending. Said report shall be completed and released no later than ten working days from the end of each month.

SECTION 5. There is hereby established a special panel to advise the general court on the commonwealth's unfunded Medicaid liability.

Said panel shall consist of three members of the senate no more than two of whom shall be members of the same party to be appointed by the president; three members of the house of representatives no more than two of whom shall be members of the same party to be appointed by the speaker; the secretary of the executive office for administration and finance; the secretary of the executive office of human services; the chairman of the rate setting commission; the commissioner of the department of public welfare; the commissioner of the department of medical security; a representative of the hospital industry to be designated by the Massachusetts hospital association; a representative of the nursing home industry to be designated by the Massachusetts federation of nursing homes; a representative of the nursing profession to be designated by the Massachusetts nurses association; and three experts in health care financing, one to be appointed by the governor, one by the president of the senate, and one by the speaker of the house. The governor, the president and the speaker acting jointly shall appoint the chairman.

Said panel shall identify the total outstanding liability for Medicaid payments to all individuals and providers for the balance of the fiscal year nineteen hundred and eighty-nine and the projected amount of such liability for the fiscal year nineteen hundred and ninety. The liability so

identified shall show the specific amount attributable to payments owed to acute care hospitals and the amount owed to long-term care providers. Said liability shall include short-term borrowing costs incurred by the acute care hospitals and long-term care providers as a direct result of the commonwealth's failure to meet its financial obligations under the Medicaid program.

Said panel shall make specific findings and recommendations with regard to the amount of appropriation necessary to fully fund the commonwealth's Medicaid obligations for fiscal year nineteen hundred and eighty-nine, and the amount necessary to fund fully said obligations for the fiscal year nineteen hundred and ninety.

Said panel shall report its findings and recommendations to the general court by filing with the clerk of the senate and the clerk of the house of representatives within twenty-one days of the effective date of this act.

SECTION 6. On or before the date twenty-one days after the effective date of this act, the advisory board on revenue resources and the state economy established under the provisions of section thirty-seven A of chapter seven of the General Laws, shall, after holding a meeting which is open to the public, submit to the house and senate committees on ways and means revised estimates of revenue available to meet appropriations and other needs in fiscal year nineteen hundred and eighty-nine and fiscal year nineteen hundred and ninety.

SECTION 7. A special commission consisting of five members of the house no more than two of whom shall be members of the same party, appointed by the speaker; three members of the senate no more than two of whom shall be members of the same party, appointed by the senate president; the chancellor of the board of regents; the chairman of the board of regents; a president of one of the public universities of the commonwealth, to be selected by presidents of the university of Massachusetts, the university of Lowell, and southeastern Massachusetts university; a president of one of the public state colleges in the commonwealth to be selected by the state college presidents; a president of one of the public community colleges in the commonwealth to be selected by the community college presidents, is hereby established to study the current organization of the divisions, schools, stations, colleges, branches or institutions of public higher education in the commonwealth, including the board of regents, and the office of the chancellor of the board of regents. The commission shall file its report, along with any recommendations for legislation, with the clerks of the house and senate no later than the first Wednesday in December, nineteen hundred and ninety; and provided, further, notwithstanding the provisions of any general or special law to the contrary, there shall be no consolidations, transfers or discontinuance of any of the said divisions, schools, stations, colleges, branches or institutions prior to the filing of said report, unless authorized by action of the general court.

SECTION 8. This act shall take effect upon its passage.

Approved May 16, 1989.

Chapter 71. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF STERLING.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Sterling may be recalled therefrom by the qualified voters of said town as herein provided.

SECTION 2. Any ten registered voters of the town may file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. Upon certification by the board of registrars of the required signatures, the town clerk shall deliver to the first named voter on the affidavit a sufficient number of copies of petition blanks addressed to the board of selectmen demanding such recall. The blanks shall be issued containing the signature of the town clerk and the official town seal. They shall be dated and shall contain the name of the person whose recall is sought, the office from which recall is sought and the grounds of recall as stated in the affidavit. In addition, the petition shall demand the election of a successor to the said office. The affidavit and 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 not later than five o'clock post meridiem of the twentieth day after the filing of the affidavit, with signatures, names and place of residence of the signer giving street and number, of at least twenty percent of the registered voters of the town. In the event that the twentieth day is a Saturday, Sunday or holiday, the petitions may be filed on the next business day. Within two business days of receipt, the town clerk shall submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are those of registered voters of said town. The board of registrars shall complete its certification within five business days and return the petition to the town clerk.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with his certificate to the selectmen without delay. The selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the board of selectmen shall 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 certificate that a sufficient petition has been filed;

provided, however, that if any other town election is scheduled to occur within one hundred days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself in an election to be held to fill such vacancy, and unless the officer requests otherwise in writing, the town clerk shall place said name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the 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 said incumbent is not removed he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven. If not re-elected in the recall election, he shall be deemed removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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

For the recall of (name of officer) (office held).

Against the recall of (name of officer) (office held).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Just above said squares there shall appear the direction "vote for one". Under the proposition shall appear the word "Candidates" and the directions to as voters required under the General Laws 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 who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor in the case of an officer subjected to recall election and not recalled thereby until at least six months have elapsed after the election at which the recall was submitted to the voters of the town.

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 in said town, shall be appointed to any town office within two years after such recall or resignation.

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

Approved May 16, 1989.

Chapter 72. AN ACT FURTHER REGULATING THE MASHPEE WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 136 of the acts of 1987 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

For such periods as the board of water commissioners may request, the assessors of the town of Mashpee shall be the district assessors. During such periods, the town assessors shall receive such salary for their services as district assessors as shall be agreed upon by the district water commissioners. All district assessments shall be committed to the district tax collector, who shall collect said tax in the manner provided by law for the collection of town taxes and who shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. For such periods as the district water commissioners may request, the town tax collector shall be the district tax collector. During such periods, the town tax collector shall receive such salary for services as district tax collector as shall be agreed upon by the district water commissioners. Nothing contained herein shall be construed to limit the authority of the district to hire its own assessors or tax collector and to pay for same from the district's revenues. Any costs incurred by either the assessors or the tax collector of the town of Mashpee in performing services hereunder shall be paid for by the district unless otherwise provided under any intermunicipal agreement between the town and the district.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the Mashpee Water District may, by vote at a special or annual district meeting called within one hundred and twenty days of the effective date of this act, provide for the levy of special assessments to recover the whole or part of the cost incurred by the town of Mashpee and assumed by the Mashpee Water District for laying pipes in the Tri-Town Circle/Horseshoe Bend Way area of the town of Mashpee for the conveyance or distribution of water to inhabitants of said area, in accordance with the provisions of sections forty-two G, forty-two H and forty-two I of chapter forty of the General Laws.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the town of Mashpee, by vote at a town meeting, may provide for the payment to Cape Harbor Development Corporation of the sum not to exceed one hundred fifty-two thousand two hundred fifty dollars and eighty cents as reimbursement for the cost of construction of a municipal well and testing on land owned by the town and to use for this purpose all or any part of the debt authorized pursuant to the unanimous vote approving Article 24 of the July twenty-seventh, nineteen hundred and eighty-seven Mashpee special town meeting as subsequently approved by ballot question 16 of the Mashpee special election of July twenty-eighth, nineteen hundred and eighty-seven.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the town of Mashpee is authorized to pay to the Mashpee Water District a sum of money to remediate the ground water contamination in the Ashers' Path/Summerwood areas and to use for this purpose all or any part of the debt authorized pursuant to the unanimous vote approving Article 24 of the July twenty-seventh, nineteen hundred and eighty-seven Mashpee special town meeting as subsequently approved by ballot question 16 of the Mashpee special election of July twenty-eighth, nineteen hundred and eighty-seven.

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

Approved May 16, 1989.

Chapter 73. **AN ACT RELATIVE TO THE APPOINTMENT OF THE ADVISORY BOARD ON COUNTY EXPENDITURES FOR NORFOLK COUNTY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-eight B of chapter thirty-five of the General Laws, the advisory board on county expenditures in the county of Norfolk shall be appointed as follows: one person shall be appointed to said advisory board from each town in said county by the board of selectmen thereof, either from among the members of said board of selectmen by majority vote thereof, or by designation of a resident of said town by not less than a two-thirds vote of said board of selectmen. The mayor of a city or the manager of a council-manager municipality shall be the member from that municipality or may designate as member a resident of that city or town. The designated member of each city or town shall, after subscribing to an oath of office, receive a certificate of such appointment from the city or town clerk, who shall promptly forward a copy of the same to the office of the county commissioners of said county.

The term of office for advisory board members except for the initial appointment under this act, shall be one year. All appointments shall thereafter expire on the last day of August in each calendar year. Any vacancy may be filled in the same manner as the original appointment for the remainder of the term.

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

Approved May 16, 1989.

Chapter 74. **AN ACT DESIGNATING A CERTAIN STATE ROAD IN THE TOWN OF WEBSTER AS THE ARTHUR J. REMILLARD JR. WAY.**

Be it enacted, etc., as follows:

The road running nearly parallel to the northbound exit ramp of Interstate highway route 395, and leading from the southerly side of state highway route 16, presently called Gore road, in a southerly direction towards Webster lake, in the town of Webster, shall be designated and known as the Arthur J. Remillard Jr. way. Suitable markers bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved May 16, 1989.

Chapter 75. **AN ACT DESIGNATING A BRIDGE IN THE TOWN OF NORFOLK AS THE LAURENCE HOAR BRIDGE.**

Be it enacted, etc., as follows:

The bridge on Main street in the town of Norfolk numbered N-13-3, shall be designated and known as the Laurence Hoar bridge, in honor of Laurence Hoar who was listed as missing in action, when his plane went down over India, in May of nineteen hundred and forty-four, during World War II.

Suitable markers bearing such designation shall be erected by the department of public works in compliance with the standards of said department.

Approved May 16, 1989.

Chapter 76. **AN ACT DESIGNATING A BRIDGE IN THE TOWN OF NORFOLK AS THE PRESTON LEGGE MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge on Park street in the town of Norfolk numbered N-13-2, shall be designated and known as the Preston Legge Memorial Bridge, in memory of Preston Legge who was killed in action, while a member of the armed forces of the United States during World War II. Suitable markers bearing such designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved May 16, 1989.

Chapter 77. AN ACT DESIGNATING THE INTERSECTION OF FELLSWAY EAST AND HIGHLAND AVENUE IN THE CITY OF MALDEN AS THE THOMAS J. KELLY, SR. MEMORIAL CIRCLE.

Be it enacted, etc., as follows:

The intersection of Fellsway East and Highland avenue in the city of Malden shall be designated and known as the Thomas J. Kelly, Sr. Memorial circle, in memory of Thomas J. Kelly, Sr., a former member of the Malden police department of said city. The metropolitan district commission shall erect thereat suitable markers bearing said designation, in compliance with the standards of said commission.

Approved May 16, 1989.

Chapter 78. AN ACT DESIGNATING CERTAIN INTERCHANGES ALONG INTERSTATE HIGHWAY ROUTE 495 IN MEMORY OF THOSE MASSACHUSETTS MEN AWARDED THE CONGRESSIONAL MEDAL OF HONOR DURING THE KOREAN WAR.

Be it enacted, etc., as follows:

SECTION 1. The interstate highway Route 495 interchange at the intersection of state highway Route 1A in the town of Wrentham shall be designated and known as the Corporal Gordon M. Craig, United States Army, Memorial Interchange, in memory of Corporal Gordon M. Craig, who was posthumously awarded the Congressional Medal of Honor for conspicuous gallantry and intrepidity, above and beyond the call of duty, in action against enemy forces during the Korean War.

SECTION 2. The interstate highway Route 495 interchange at the intersection of state highway Route 1 in the town of Plainville shall be

designated and known as the Hospital Corpsman Richard D. Dewart, United States Navy, Memorial Interchange, in memory of Hospital Corpsman Richard D. Dewart, who was posthumously awarded the Congressional Medal of Honor for conspicuous gallantry and intrepidity, above and beyond the call of duty, in action against enemy forces during the Korean War.

SECTION 3. The interstate highway Route 495 interchange at the intersection of state highway Route 140 in the town of Franklin shall be designated and known as the Private First Class Walter C. Monegan, Jr., United States Marine Corps, Memorial Interchange in memory of Private First Class Walter C. Monegan, Jr., who was posthumously awarded the Congressional Medal of Honor for conspicuous gallantry and intrepidity, above and beyond the call of duty, in action against enemy forces during the Korean War.

SECTION 4. The interstate highway Route 495 interchange at the intersection of state highway Route 126 in the town of Bellingham shall be designated and known as the Sergeant First Class Charles W. Turner, United States Army, Memorial Interchange, in memory of Sergeant First Class Charles W. Turner, who was posthumously awarded the Congressional Medal of Honor for conspicuous gallantry and intrepidity, above and beyond the call of duty, in action against enemy forces during the Korean War.

SECTION 5. The interstate highway Route 495 interchange at the intersection of state highway Route 109 in the town of Milford shall be designated and known as the Lieutenant (jg.) Thomas J. Hudner, Jr., United States Navy, Interchange in honor of Lieutenant (jg.) Thomas J. Hudner, Jr., who was awarded the Congressional Medal of Honor for conspicuous gallantry and intrepidity, above and beyond the call of duty, in action against enemy forces during the Korean War.

SECTION 6. The interstate highway Route 495 interchange at the intersection of state highway Route 85 in the town of Milford shall be designated and known as the Private First Class Joseph R. Ouellette, United States Army, Memorial Interchange, in memory of Private First Class Joseph R. Ouellette, who was posthumously awarded the Congressional Medal of Honor for conspicuous gallantry and intrepidity, above and beyond the call of duty, in action against enemy forces during the Korean War.

SECTION 7. The interstate highway Route 495 interchange at the intersection of West Main street in the town of Hopkinton shall be designated and known as the Corporal Joseph Vittori, United States Marine Corps, Memorial Interchange, in memory of Corporal Joseph Vittori, who was posthumously awarded the Congressional Medal of Honor for conspicuous gallantry and intrepidity, above and beyond the call of duty, in action against enemy forces during the Korean War.

SECTION 8. The department of public works shall erect and maintain suitable markers along said interchanges bearing such designations, in compliance with the standards of said department and as authorized by the federal highway administration.

Approved May 16, 1989.

Chapter 79. AN ACT RELATIVE TO THE HIRING OF SCHOOL DEPARTMENT PERSONNEL IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Springfield is hereby authorized to ratify and validate the hiring of persons employed by the school department since January first, nineteen hundred and sixty-eight, notwithstanding the failure to comply with the provisions of section thirty-eight of chapter seventy-one of the General Laws or any other general or special law applicable to such hirings.

SECTION 2. The school committee of the city of Springfield is hereby authorized to delegate to the superintendent of schools, or his designee, the authority to hire personnel, subject to appropriation, for a period not to exceed ninety days. If within such ninety day period, the school committee shall vote to hire any such person, his date of employment shall be the date he was hired by the superintendent.

SECTION 3. This act shall take effect upon acceptance by the school committee and city council of the city of Springfield.

Approved May 16, 1989.

Chapter 80. AN ACT EXEMPTING THE POSITION OF PRINCIPAL CLERK AND SECRETARY TO THE SUPERINTENDENT OF SCHOOLS AND THE POSITION OF SUPERVISOR OF CAFETERIAS IN THE CITY OF MARLBOROUGH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of principal clerk and secretary to the superintendent of schools and the position of supervisor of cafeterias in the city of Marlborough shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil

service status of any person holding the position of principal clerk and secretary to the superintendent of schools and the position of supervisor of cafeterias in the city of Marlborough on the effective date of this act.

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

Approved May 18, 1989.

Chapter 81. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO GRANT AN EASEMENT IN CERTAIN PARK LAND IN THE TOWN OF RUSSELL.

Be it enacted, etc., as follows:

SECTION 1. The city of Westfield is hereby authorized to grant an easement to the Western Massachusetts Electric Company in certain park land of said city located in the town of Russell.

Said easement is shown on a plan entitled "Western Massachusetts Electric Co., West Springfield, Mass., Plan Showing Easement to be Acquired from John S. Lane & Son, Inc., & others in the city of Westfield and Town of Russell, Commonwealth of Massachusetts, Scale: 1"=80' date: July 17, 1987, No. 75625", a copy of which is on file in the office of the city solicitor of the city of Westfield.

The instrument containing said easement may contain such restrictions and conditions as the city of Westfield may approve and as agreed to by the mayor and city council of said city. Said plan and instrument are to be recorded in the registry of deeds in the county of Hampden.

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

Approved May 18, 1989.

Chapter 82. 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 Edmund Christopher Kehoe, as he is an attorney in the commonwealth, on June tenth, nineteen hundred and eighty-nine in the town of Hingham between Denise J. DeNitto and Michael C. Dimko, both of the town of Kingston, and the state secretary shall issue to said Edmund Christopher Kehoe in his capacity as aforesaid a certificate of such authorization.

Approved May 18, 1989.

Chapter 83. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said chapter thirty-nine, the solemnization of a marriage by the Honorable Martha Ware, as she is a retired judge of the trial court of the commonwealth, in the town of Duxbury on May twentieth, nineteen hundred and eighty-nine between Marcia Curtis Vandervoort of Wellingford, Connecticut and Francis Spellman McCarthy of Grove City, Florida and the state secretary shall issue to said Honorable Martha Ware in her capacity as aforesaid a certificate of such authorization.

Approved May 18, 1989.

Chapter 84. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO RELEASE A CERTAIN CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury, acting by and through its board of selectmen is hereby authorized, subject to the approval of the secretary of environmental affairs pursuant to the provisions of section thirty-two of chapter one hundred and eighty-four of the General Laws, to release the conservation restriction and walkway easement granted to said town by the Cooperative Bank of Concord by instruments dated May twenty-third and May twenty-sixth, nineteen hundred and eighty-three, recorded in the southern district registry of deeds in the county of Middlesex in

Book 15351, Page 240 and Book 15074, Page 366 to the extent shown as "Area Z" on a plan entitled "Plan of Easement in Sudbury, Massachusetts", prepared for the town of Sudbury, "Scale 1"=40', dated March, 1987 and revised June 9, 1987 by Charles A. Perkins Co., Inc. Civil Engineers & Surveyors, numbered Plan No. S-5023", and recorded or to be recorded with the southern district registry of deeds in the county of Middlesex.

In consideration for such release David M. and Mary M. Shahian shall grant to said town a recordable conservation restriction on that portion of the above described parcel shown as area "Y" on said plan for the protection of the natural and watershed resources of said town. Said restriction shall be administered by the conservation commission of said town under the provisions of section eight C of chapter forty of the General Laws.

In further consideration, said David M. and Mary M. Shahian grant said town an easement to pass and repass on foot only. Said easement is shown on the above described plan as the "proposed pedestrian walkway easement" and "Easement A".

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

Approved May 18, 1989.

Chapter 85. AN ACT AUTHORIZING THE ATTLEBOROUGH HOSPITAL TO MORTGAGE CERTAIN PROPERTY HELD BY IT UNDER A TRUST INSTRUMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the Attleborough Hospital to mortgage certain 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 action of the city of Attleboro, by deed dated March thirty-first, nineteen hundred and sixty, and recorded in Bristol County Northern District Registry of Deeds (hereinafter, the "deed"), in amending the trust instrument dated September fifth, nineteen hundred and twelve under which certain real property was conveyed by the town of Attleborough to The Attleborough Hospital, a corporation duly established by law, and its successors and assigns, which trust instrument was ratified and confirmed by chapter three hundred and three of the acts of nineteen hundred and thirteen, so as to authorize The Attleborough Hospital to mortgage the real or personal property of said Hospital, provided that any mortgage of said real property shall be with the approval of the probate court, and so as to provide that in the event

that a breach of trust should cause a forfeiture under said trust instrument of certain property to the city of Attleboro, said property shall be returned to said city free and clear from all claims of The Attleborough Hospital but subject to the lawful claims of all others, is hereby validated and confirmed.

SECTION 2. The provisions of chapter four hundred and thirty-six of the acts of nineteen hundred and sixty are hereby repealed.

Approved May 18, 1989.

Chapter 86. AN ACT FURTHER REGULATING THE JURISDICTION OF THE ENERGY FACILITIES SITING COUNCIL.

Be it enacted, etc., as follows:

Section 2 of chapter 164 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 1, the word "seventy" and inserting in place thereof the following words:- sixty-nine G to sixty-nine O, inclusive, seventy.

Approved May 18, 1989.

Chapter 87. AN ACT RELATIVE TO SANITARY CONDITIONS ON RAILROAD LOCOMOTIVES.

Be it enacted, etc., as follows:

Chapter 160 of the General Laws is hereby amended by inserting after section 172 the following section:-

Section 172A. Every railroad corporation shall equip each locomotive used by railroad crewmen with pure refrigerated drinking water with individual, disposable cups; maintain toilet facilities on locomotives or cabooses, if cabooses are used, in a working sanitary condition; and ensure that each such toilet facility provides privacy to a person using such facility.

For the purpose of this section "sanitary condition" shall mean a condition of good order and cleanliness which precludes the reasonable probability of disease transmission.

Approved May 19, 1989.

Chapter 88. AN ACT RELATIVE TO A FORM OF GOVERNANCE FOR THE BOSTON HOUSING AUTHORITY.

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 sections five, six, and seven of chapter one hundred and twenty-one B of the General Laws, in the city of Boston the housing authority shall be managed and controlled by an individual to be known as the administrator. The administrator shall be appointed by and serve at the pleasure of the mayor and the administrator shall be compensated for such service. The administrator and all assistant and deputy administrators or those in positions equivalent in authority to assistant or deputy administrators should job titles change, shall devote full time during business hours to the duties of their positions. The administrator shall be, or within six months after the date of his acceptance of the position shall become, a resident of the city of Boston and shall continue to maintain principal residence in the city of Boston during the tenure of appointment. The exception provided for the executive director in the fifth paragraph of section twenty-nine of chapter one hundred and twenty-one B of the General Laws, shall apply to the administrator of the Boston Housing Authority and to employees of the Boston Housing Authority who hold the following positions or equivalent positions should job titles change: assistant administrators, deputy administrator and general counsel; provided, however, that this exception shall not apply to any such employee who has held his position, for a total of five years of uninterrupted service as of the date of enactment of this act.

SECTION 2. There shall be a committee to be known as the Boston Housing Authority Monitoring Committee ("Monitoring Committee") which shall be comprised of nine members appointed by the mayor. All of the members shall be residents of the city of Boston and shall continue to maintain principal residence in the city of Boston during the tenure of appointment. Five of the members shall be public housing tenants and shall be appointed from a list of not less than twenty names submitted to the mayor through a process agreed upon by city-wide public housing tenant organizations and public housing development-based tenant organizations of the Boston Housing Authority. Any appointees who are not public housing tenants shall be selected by the mayor, subject to confirmation by the Boston city council, from among persons with a demonstrated commitment to publicly assisted housing with experience in, but not limited to, one or more of the following areas: public health, public safety, legal advocacy for low-income tenants, public accounting, property management or development and organized labor; provided, however, that if the Boston city council fails to act on these appointments within thirty days, they shall be deemed confirmed. The mayor shall nominate from among the monitoring committee members a person to be the chairperson of said committee. The nomination shall be subject to ratification by a majority vote of all of the members of the monitoring committee. All members shall serve terms of two years,

co-terminous with the term of the Boston city council; provided, however, that the initial term shall expire on the first Monday of nineteen hundred and ninety.

Members may be removed by the mayor at any time when he deems that a member has acted with gross misconduct, has negligently performed his duties, or has violated chapter two hundred and sixty-eight A of the General Laws. Vacancies occurring otherwise than by expiration of the term shall be filled by mayoral appointment as herein specified for the unexpired term; provided, however, that a vacancy with respect to a public housing tenant member shall be filled by appointment from a list of not less than four names submitted to the mayor through the process herein specified.

All members shall be classified as special municipal employees for the purpose of chapter two hundred and sixty-eight A of the General Laws. All members shall serve without compensation; provided, however, that all members shall be reimbursed by the housing authority for reasonable expenses incurred in the performance of their duties. The housing authority shall establish an annual monitoring committee budget for staff, training and other appropriate expenditures.

SECTION 3. (a) It shall be the duty of the monitoring committee to periodically review matters relating to the management and performance of the Boston Housing Authority and to report thereon to the mayor. The monitoring committee shall review and approve the following: all principal federal and state annual operating budgets, principal annual modernization applications, and all property dispositions which would reduce the total number of housing units of the housing authority which have not been approved, prior to the enactment of this act, by the Massachusetts superior court in the case of Armando Perez, et al. v. Boston Housing Authority. The monitoring committee shall have thirty days from receipt of any such budget, application or notice of property disposition in which to notify the housing authority and the mayor of its approval or disapproval thereof. After such thirty day period, regardless of whether the monitoring committee has so notified the housing authority and the mayor, the mayor shall approve or disapprove such budget, application or property disposition. The mayor may override the monitoring committee's decision; provided, however, that if the mayor overrides, he must so act within thirty days of receiving the monitoring committee's decision and must state the reasons in writing.

(b) Proposals submitted to the monitoring committee relative to principal federal and state annual operating budgets, principal annual modernization applications, and all property dispositions which would reduce the total number of housing units of the Boston Housing Authority which have not been approved prior to the enactment of this act, by the Massachusetts superior court in the case of Armando Perez, et al. v. Boston Housing Authority, shall simultaneously be filed with the Boston city council. Further, the Boston Housing Authority shall submit monthly management reports to the monitoring committee and Boston city coun-

cil which shall provide information pertaining to: code compliance, occupancy, maintenance, rent collection, and public safety for both family and elderly developments.

The Boston Housing Authority shall, consistent with section ten of chapter sixty-six of the General Laws, within ten days following receipt of a request for public record information made by the mayor's office, the city council, city councilors, or duly established committees of the city council, or the general public, comply with such request and supply said information.

(c) Within a reasonable time after submitting notification to the appropriate agency of the transfer of previously approved modernization funds from one Boston Housing Authority development to another, the Boston Housing Authority shall notify the monitoring committee and state its reasons therefore in writing.

(d) The monitoring committee shall meet at least once every three months and shall submit an annual report to the mayor in March of each year. The annual report shall be a public record for purposes of clause Twenty-sixth of section seven of chapter four of the General Laws. The provisions of sections twenty-three B and twenty-three C of chapter thirty-nine of the General Laws shall apply to all meetings of the monitoring committee.

(e) In the event of a vacancy in the position of administrator, the mayor, prior to the appointment of a new administrator, shall consult with the monitoring committee as to the qualifications for and selections of the administrator. Further, it shall be the duty of the monitoring committee to act in conjunction with the Boston Housing Authority to improve the health, safety, and welfare of the residents of housing owned or operated by the Boston Housing Authority. Subject to applicable laws, the monitoring committee shall be empowered, upon reasonable notice, to inspect and review, but not approve, all policies or reports which it deems relevant to the duties of the monitoring committee. At its discretion, the monitoring committee may develop any policy, rule or procedure which will assist it in carrying out the powers and duties herein stated.

SECTION 4. The provisions of chapter one hundred and twenty-one B of the General Laws applicable to housing authorities shall be applicable to the Boston Housing Authority except as provided herein or as inconsistent herewith.

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

Approved May 23, 1989.

Chapter 89. AN ACT RELATIVE TO THE MALDEN PUBLIC LIBRARY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 146 of the acts of 1885 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Said corporation shall have authority to hold real and personal estate for the purposes aforesaid, in addition to books and objects of curiosity and art.

SECTION 2. Section 5 of said chapter 146 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The trustees shall render to the city council annually, within thirty days of the end of the fiscal year of the city of Malden a report of their proceedings, and a statement of the condition of the library, its property and funds, the number of books added during the year, with an accurate account of all receipts and expenditures, together with any other information or suggestions which they may deem desirable.

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

Approved May 23, 1989.

Chapter 90. **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 David H. Kopelman, as he is an associate justice of the Norfolk division of the probate and family court department of the trial court of the commonwealth, in the city of Boston on June fourth, nineteen hundred and eighty-nine between Maureen T. Connelly of the city of New York in the state of New York and Jeffrey F. Kane of the city of New York in the state of New York, and the state secretary shall issue to said David H. Kopelman in his capacity as aforesaid a certificate of such authorization.

Approved May 23, 1989.

Chapter 91. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF INDEPENDENT LIVING CENTER DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15HHH, inserted by chapter 58 of the acts of 1989, the following section:-

Section 15III. The governor shall annually issue a proclamation setting apart the first Sunday of October as Independent Living Center Day and recommending that said day be observed in an appropriate manner by the people.

Approved May 23, 1989.

Chapter 92. AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE TOWN OF AVON AS THE JOHN B. COLLINS MEMORIAL SQUARE.

Be it enacted, etc., as follows:

The intersection of West Main street and Harrison boulevard in the town of Avon shall be designated and known as the John B. Collins Memorial Square. The department of public works shall erect a suitable marker bearing said designation in compliance with the standards of said department.

Approved May 23, 1989.

Chapter 93. AN ACT RELATIVE TO PHYSICIANS' REGISTRATION WITH CITY AND TOWN CLERKS.

Be it enacted, etc., as follows:

SECTION 1. Section 8 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:- Thereupon the clerk shall record the name of the owner of said certificate or certified statement, together with the date of record upon blanks, said blanks to be so arranged that a duplicate carbon copy shall be made at the time of the original record.

SECTION 2. Said section 8 of said chapter 112, as so appearing, is hereby further amended by striking out the fourth sentence.

Approved May 23, 1989.

Chapter 94. AN ACT RELATIVE TO LICENSURE EXAMINATIONS OF THE BOARD OF REGISTRATION IN PODIATRY.

Be it enacted, etc., as follows:

The first paragraph of section 16 of chapter 112 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:- No such applicant shall be registered unless he obtains a passing score as determined by the board.

Approved May 23, 1989.

Chapter 95. AN ACT RELATIVE TO THE TEACHING OF AMERICAN SIGN LANGUAGE IN PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 2A, inserted by section 1 of chapter 641 of the acts of 1987, the following section:-

Section 2B. In all public elementary and secondary schools, American Sign Language shall be recognized as a standard, independent language with its own grammar, syntax, vocabulary, and cultural heritage. Courses in American Sign Language may be taught for the purpose of contributing to a greater understanding of the social and cultural dimensions of the language, and to encourage and enable increased interaction between hearing persons and deaf and hard-of-hearing persons in society. School committees may credit such courses toward satisfaction of foreign language requirements.

Approved May 23, 1989.

Chapter 96. AN ACT RELATIVE TO THE FINANCIAL OPERATIONS OF NORFOLK COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 514 of the acts of 1983 is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:- The county treasurer, upon written request of the administrator of Norfolk County Hospital after consultation with the board of trustees of said hospital, may borrow funds in any fiscal year in anticipation of the receipt of revenues of said hospital during the balance of said fiscal year as well as during the ensuing fiscal year. Said administrator shall certify to the county treasurer his esti-

mate of such anticipated revenues. Such borrowings shall be payable, and shall be paid, not later than one year from their date and said one year term may occur within the span of two separate fiscal years.

SECTION 2. Notwithstanding the provisions of section thirty-two of chapter thirty-five of the General Laws, the administrator of Norfolk County Hospital may expend funds from the Norfolk county hospital operations account, established under the provisions of section one of chapter five hundred and fourteen of the acts of nineteen hundred and eighty-three, for expenses, including travel expenses, arising from attendance by employees of said hospital at conferences and conventions without the commonwealth; provided, however, that the aggregate amount of all such expenditures proposed to be made in any fiscal year shall be included in the applicable financial plan or revised financial plan for that fiscal year submitted by said administrator under the provisions of section four of said chapter five hundred and fourteen and shall have been approved by the county commissioners of Norfolk county and the county advisory board of said county, as provided in said section four of said chapter five hundred and fourteen.

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

Approved May 26, 1989.

Chapter 97. AN ACT CHANGING THE NAME OF THE NORFOLK COUNTY HOSPITAL TO MASSACHUSETTS RESPIRATORY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The hospital operated and maintained by the county commissioners of Norfolk county, under the provisions of section eighty-two of chapter one hundred and eleven of the General Laws, shall be designated and known as the Massachusetts Respiratory Hospital.

SECTION 2. All statutory provisions, whether in general or special acts, that refer to the Norfolk County Hospital, the hospital operated by Norfolk county, or by any similar designation shall be deemed to mean the Massachusetts Respiratory Hospital; provided, however, that such statutory provisions shall in no other way be modified by this act.

SECTION 3. The special account authorized by section one of chapter five hundred and fourteen of the acts of nineteen hundred and eighty-three shall be known as the Massachusetts respiratory hospital operations account, and all references in such act and elsewhere to said special account shall be deemed to mean the Massachusetts respiratory hospital operations account.

SECTION 4. All presently existing legal rights and obligations created by statute, contract, or otherwise, pertaining to the Norfolk County Hospital shall be deemed to be rights and obligations of the Massachusetts Respiratory Hospital.

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

Approved May 26, 1989.

Chapter 98. AN ACT VALIDATING ACTIONS TAKEN AT TOWN MEETING BY THE TOWN OF TRURO.

Be it enacted, etc., as follows:

SECTION 1. All actions taken by the town of Truro at their annual and special town meetings held on April twenty-fifth, twenty-sixth, twenty-seventh, and May first, nineteen hundred and eighty-nine, are hereby ratified, validated and confirmed.

SECTION 2. Notwithstanding any general or special law to the contrary, the town of Truro may hold a special town meeting on May thirty-first, nineteen hundred and eighty-nine and any adjournments thereof in the town of Provincetown.

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

Approved May 26, 1989.

Chapter 99. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO BORROW MONEY FOR COMPUTER EQUIPMENT.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county are hereby authorized to spend such sums as may be necessary, not exceeding in the aggregate, fifty thousand dollars to purchase computer equipment for county government offices, including registry of deeds, sheriff, survey, treasury, emergency communications center and county commissioners.

SECTION 2. For the purposes authorized in section one, the treasurer of said county, with the approval of the county commissioners and with the approval of the Berkshire county advisory board, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, fifty thousand dollars and may issue bonds or notes of the county therefor which shall bear on their face the words, Berkshire

County Loan, Act of 1989. Each authorized issue shall constitute a separate loan and such loan shall be payable not more than five years from their date. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved May 26, 1989.

Chapter 100. 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 William T. Hogan, Jr. as he is a justice of the district court department of the trial court of the commonwealth, on June twenty-fourth, nineteen hundred and eighty-nine between Vicki Rachel Block of the city of Melrose and Michael V. Fair of the city of Melrose and the state secretary shall issue to said William T. Hogan, Jr. in his capacity as aforesaid a certificate of such authorization.

Approved June 1, 1989.

Chapter 101. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary is hereby authorized, in the manner set forth under said section thirty-nine, to sol-

emnize a marriage by Suzanne L. Hart in the city of Gloucester on June third, nineteen hundred and eighty-nine between Daniel Cordeiro of said city and Cornelia Litchfield of said city and the state secretary shall issue to said Suzanne L. Hart a certificate of such authorization.

Approved June 1, 1989.

Chapter 102. AN ACT FURTHER EXTENDING THE TIME WITHIN WHICH THE MAYOR OF SPRINGFIELD SHALL SUBMIT THE ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 13 of the acts of 1989 is hereby amended by striking out, in line 3, the word "fifty" and inserting in place thereof the word:- sixty-four.

SECTION 2. Section 2 of said chapter 13 is hereby amended by striking out, in line 1, the word "fifty" and inserting in place thereof the word:- sixty-four.

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

Approved June 1, 1989.

Chapter 103. 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 Courtland Mathers, as he is a justice of the superior court, on June fourth, nineteen hundred and eighty-nine in the town of Plymouth between Allison Abdu and Barry L. Glass, both of the city of Boston, and the state secretary shall issue to said Courtland Mathers in his capacity as aforesaid a certificate of such authorization.

Approved June 2, 1989.

Chapter 104. AN ACT AUTHORIZING THE CITY OF BOSTON TO USE CERTAIN PARK LAND IN THE CITY OF BOSTON FOR THE CONSTRUCTION OF A FIELD HOUSE.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to construct a field house to be used for such purposes as, but not limited to, equipment storage and restrooms, on a certain parcel of land known as McConnell park in the Savin Hill section of the Dorchester district of the city of Boston.

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

Approved June 2, 1989.

Chapter 105. AN ACT AUTHORIZING THE TOWN OF MILLIS TO TRANSFER A CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

The town of Millis, acting by and through its board of selectmen is hereby authorized to transfer the care, custody and control of a certain parcel of park land to the school department of said town. Said parcel is shown on a plan of land dated November 29, 1962 drawn by Bowie Engineering Company, Inc. which is on file with said school department.

Approved June 2, 1989.
EMERGENCY LETTER: June 5, 1989 @ 5:53 P.M.

Chapter 106. AN ACT PROHIBITING HOUSING DISCRIMINATION AGAINST DISABLED PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 40A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Notwithstanding any general or special law to the contrary, local land use and health and safety laws, regulations, practices, ordinances, bylaws and decisions of a city or town shall not discriminate against a disabled person. Imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons

with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination.

SECTION 2. Chapter 184 of the General Laws is hereby amended by inserting after section 23C the following section:-

Section 23D. Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed or other instrument of or pertaining to the transfer, sale, lease or use of property which would permit residential use of property but would prohibit a community residence for disabled persons shall, to the extent of such prohibition, be void.

Approved June 5, 1989.

Chapter 107. AN ACT RELATIVE TO CERTAIN GROUP HEALTH CARE CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 10 of chapter 176A 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:- Any plan whereby such a corporation agrees with a group of two or more persons or with the employer, employers or representatives of a group of two or more persons to furnish hospital benefits and reimbursement for other health services to said persons alone or to their dependents also and where the enrollment in such group is on a basis precluding individual selection, shall be considered a group hospital service plan.

SECTION 2. Section 4 of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Any agreement between a medical service corporation and a group of two or more persons or with the employer, employers or other representatives of such group whereby the medical service corporation undertakes to furnish benefits for medical service to said persons and to their covered dependents, if any, shall be considered a group medical service agreement; provided, however, that eligible persons in a group who are enrollees under a group health maintenance contract, as defined in section one of chapter one hundred and seventy-six G, shall be included for purposes of determining the number of persons within a group having a medical service agreement.

Approved June 5, 1989.

Chapter 108. AN ACT ESTABLISHING THE SOUTHERN BERKSHIRE SOLID WASTE MANAGEMENT DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. (a) There is hereby established the Southern Berkshire Solid Waste Management District, a public body politic and corporate, hereinafter referred to as the district, said entity to function as a refuse disposal district in accordance with the General Laws including but not limited to sections forty-four A to forty-four K inclusive, of chapter forty and section twenty B of chapter fifty-nine of the General Laws.

(b) The district is created for the purpose of providing solid waste disposal services for its member municipalities and the residents thereof and for others with whom the district may want to contract in accordance with any agreements reached by member municipalities.

In addition, since there are generated within the district or within municipalities contracting with the district wastes such as municipal and industrial sludges which, when combined properly with certain solid wastes, may be processed in such a manner that enhances the ability to recover both as a usable product known as compost, the district shall have as a purpose to design, establish and operate a facility, or contract for such a facility and service, and offer at an appropriate fee, such disposal service for municipal and industrial sludges.

(c) The district shall be composed of and shall include all of the lands and residents within the towns of Alford, Becket, Egremont, Great Barrington, Lee, Lenox, Monterey, Mount Washington, New Marlborough, Otis, Sandisfield, Sheffield, Stockbridge, and West Stockbridge which, by vote at an annual or special town meeting accept this act and hereby agree to participate in its creation and such other municipalities as are subsequently admitted to the district, except for those municipalities which may withdraw as provided in the agreement. 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.

(d) A regional planning board, consisting of the selectmen of the towns named in paragraph (c) or their designated representatives shall draw up a proposed agreement. The said agreement shall contain provisions describing the sharing of construction and operation costs, the number, method of selection, and the terms of office of the members of the district board of commissioners, the method of filling a vacancy on the board, the dates, frequency and procedure for calling organizational, regular and special meetings of the board, voting procedures including vote-weighting, and quorum, the general area in which the refuse disposal facility will be constructed, the terms by which another municipality may be admitted to the district or any member town may withdraw therefrom, the method by which the agreement may be amended, the procedure for the preparation and adoption of the annual budget, and any other matters not incompatible with the law which said board may deem advisable. Included shall be the method by which the district may be dissolved.

(e) The regional planning board shall report its findings and recommendations to the board of selectmen in each town comprising the board. If the board recommends that a regional solid waste management district be established, a copy of the proposed agreement shall accompany the report to each town.

(f) This act may be submitted for approval at any annual or special town meeting of the towns eligible for membership as provided in this section. The question placed on the warrant of such meeting shall be: "Shall the town of_____accept the provisions of 'An Act Establishing the Southern Berkshire Solid Waste Management District.' in accordance with the provisions of an agreement entitled_____and placed before the voters of the town concurrently?"

If a majority of the members of the town meetings of at least two of said towns shall vote in the affirmative, the Southern Berkshire Solid Waste Management District shall be deemed to be established. The remainder of said towns may by such affirmative vote join as members within ninety days of the establishment of the district. The initial meeting of the board of commissioners shall take place within one hundred and twenty days after the establishment of the district. If the board does not meet and organize itself within one hundred and twenty days from the establishment of the district, the action of any town meeting accepting the provisions of this act is null and void.

SECTION 2. Except as otherwise provided or limited herein, the district shall have the following powers:

(a) Operate, cause to be operated, and contract for the operation of any and all facilities for the transportation, recycling, recovery, 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, and accept land by gift.

(c) To sue and be sued.

(d) To enter into contracts for any term up to thirty years.

(e) To contract with architects, engineers, financial and legal consultants, and other experts for services.

(f) To contract with individuals, corporations, associations, authorities, and municipalities for services.

(g) To contract to pay for solid waste with payment based on guaranteed amounts of solid waste whether actually disposed of or not, which payments may be variable and may be determined by formulae expressed in such contracts, provided, however that said contract shall be approved by an affirmative vote of two-thirds of the board of commissioners and by a majority vote of two-thirds of the member communities, as defined in section one of chapter forty-four of the General Laws.

(h) To contract with the commonwealth or the United States, or any agency, department, or subdivision thereof for services.

(i) To contract with any member municipality for the services of any

property, officers, or employees of that municipality that are useful to the district.

(j) To promote cooperative arrangements and coordinated actions among its members.

(k) To make recommendations for review and action to its member municipalities and the other public agencies that perform functions within the region in which its member municipalities are located.

(l) 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.

(m) To borrow money and issue evidence of indebtedness as provided herein in accordance with section forty-four K of chapter forty of the General Laws; provided, however, that said issuance of debt shall be approved by an affirmative vote of two-thirds of the board of commissioners and by a majority vote of two-thirds of the member communities, as defined in section one of chapter forty-four of the General Laws.

(1) Short term borrowing. The board may borrow money through the issuance of notes 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 revenues for each such year and may issue notes of the district which must mature within the fiscal year in which they were issued.

(2) Long term indebtedness and long term borrowings. Indebtedness incurred by the district for regional disposal facilities 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 by said district either shall be arranged so that for each issue of the annual combined payments the principal and interest payable in each year shall be as nearly equal as practical 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, however, 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 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.

(n) To adopt a budget and to assess and require payment by the member municipalities for the expense of the district, as provided in section forty-four H of chapter forty of the General Laws.

(o) To appropriate and expend monies.

(p) To establish capital reserve funds for public improvements in furtherance of its purposes.

(q) To regulate the transportation, recycling, resource recovery, and disposal of solid wastes within the district and to require that acceptable wastes generated within the district and any member municipality

therein shall be disposed of only in and upon facilities operated by and on behalf of the district and to prevent the discharge into disposal facilities of substances which may damage or interfere with its maintenance or operation. The district may for the proper and reasonable operation of its works, make regulations as to the quality or character of any refuse or other solid waste discharge into any disposal facility under its control. The district may prohibit discharge into facilities in its control of any waste if the commission determines that such waste may interfere with or damage the disposal facility or interfere with its maintenance or operation or not be in compliance with the department of environmental quality engineering and the Environmental Protection Agency of the United States regulations. The responsibility for disposal of such wastes or their modification to allow disposal in district facilities shall rest with the producer thereof.

(r) To sell to the participating members of the district any property, including land, acquired by the district 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 the land is located and, in the case of machinery, member municipalities shall have a priority of bid purchase at a reasonable price.

(s) To enter upon lands for the purpose of making surveys, borings, and to acquire by purchase or otherwise the right to occupy any land necessary for carrying out of said purpose. Nothing in this act shall be construed as granting the district the power of eminent domain. A municipality may, however, enter into a contract with the district in which it does exercise its power of eminent domain for the purpose of the district.

(t) To enact and enforce any and all necessary or desirable regulations for carrying out the purposes of the district.

(u) To accept and administer gifts, grants, and bequests in trust or otherwise for the purposes of the district.

(v) To exercise all powers incident to a public corporation.

SECTION 3. The legislative power and authority of the Southern Berkshire Solid Waste Management District and the administration and general supervision of all fiscal, prudential, and governmental affairs thereof shall be vested in a governing body known as the board of commissioners, except as specifically provided otherwise in the agreement under paragraph (d) of section one.

SECTION 4. The board of commissioners shall be accountable to the participating municipalities through maintenance of adequate records, documents, and other exhibits. The board of commissioners shall make a report each year to the participating municipalities.

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

Approved June 6, 1989.

Chapter 109. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ASHBY.

Be it enacted, etc., as follows:

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

SECTION 2. One hundred or more registered voters may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the grounds of recall. Upon certification by the town clerk, the town clerk shall, within two business days, deliver to the voter first named on such affidavit, a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto; they shall be dated and addressed to the board of selectmen; shall contain the name of the person to whom issued, the name of the person whose recall is sought, the office from which recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within twenty days following the date of issuance of said petition. Said recall petition shall be signed by at least twenty percent 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 town clerk shall, within two business days following the date of such filing, submit the recall petition to the board of registrars of voters, who shall within five business days after the day of receipt, certify in writing thereon the number of signatures which are names of voters in said town as of the date such affidavit was filed with the town clerk. The board of registrars shall, upon completion of its certification, return the petition to the town clerk.

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 thereon to said selectmen without delay, and said selectmen shall forthwith give to said elected officer whose recall is being sought, written notice of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order a recall election to be held not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred days after the date of said certificate, the selectmen may, in their discretion postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as herein provided.

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 all be in accordance with the provisions of law relating to election, unless otherwise provided in this act.

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

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

For the recall of (name of officer) (office held)

Against the recall of (name of officer) (office held)

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Just above said squares, there shall appear the direction "Vote for one". Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided. In the case of machine voting or punch card balloting, or other forms of balloting, appropriate provisions 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 who received the highest number of votes in the special election to the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballot for candidates to fill the potential vacancy need not be counted.

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

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

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

Approved June 6, 1989.

Chapter 110. AN ACT AUTHORIZING CERTAIN TERMS FOR BORROWING BY THE CITY OF GARDNER FOR WATER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 473 of the acts of 1985 is hereby amended by inserting after section 1 the following section:-

Section 1A. Notwithstanding the provisions of any general or special law to the contrary, the maturities of bonds or notes issued by the city of Gardner for additions and improvements to its water supply and distribution facilities shall either 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 city treasurer and the mayor, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. Project costs to be financed by the issue of said bonds or notes, including notes issued in anticipation of federal or state aid, may include interest on temporary borrowing incurred for a period of up to twelve months after the date of the original borrowing and may also include reimbursement to the city for sums appropriated and expended for engineering services for the design of such facilities. Any net earnings derived from investment of the proceeds of the bonds or notes described herein may be expended and shall be used only for the construction, equipping, operation or maintenance of the water supply and distribution system of said city. Except as otherwise provided in this act, indebtedness incurred by said city for the purpose herein described shall be subject to the applicable provisions of chapter forty-four of the General Laws.

SECTION 2. Any net earnings derived from the investment of the proceeds of the bonds or notes described in section one during fiscal year nineteen hundred and eighty-nine may be expended and shall be used only for the construction, equipping, operation, or maintenance of the water supply and distribution system of said city.

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

Approved June 6, 1989.

Chapter 111. AN ACT AUTHORIZING THE TOWN OF EASTON TO ESTABLISH A BOARD OF TRUSTEES FOR THE EASTON PUBLIC LIBRARY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section ten of chapter seventy-eight of the General Laws or any other general or special law to the contrary, the town of Easton is hereby authorized to establish a board of trustees of the Easton public library which shall consist of six members appointed by the board of selectmen of said town. The initial appointments shall be made as follows: two persons shall be appointed for a term of one year, two persons shall be appointed for a term of two years, and two persons shall be appointed for a term of three years. Thereafter two persons shall be appointed annually to serve for a term of three years.

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

Approved June 6, 1989.

Chapter 112. AN ACT FURTHER REGULATING THE LICENSING OF INSURANCE AGENTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 163 of chapter 175 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "fourteen", in line 7, the words:- by the appointee or, if the commissioner establishes such a procedure for administrative purposes by the company on behalf of the appointee.

SECTION 2. Said first paragraph of said section 163 of said chapter 175 of the General Laws, as so appearing, is hereby further amended by striking out, in line 33, the words "by the company of said fee" and inserting in place thereof the words:- of the fee prescribed by section fourteen by the agent or, if the commissioner establishes such a procedure for administrative purposes, by the company on behalf of the agent.

Approved June 6, 1989.

Chapter 113. AN ACT INCREASING THE AMOUNT OF AWARDS FOR VALUABLE SUGGESTIONS BY MUNICIPAL EMPLOYEES.

Be it enacted, etc., as follows:

Clause (43) of section 5 of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 410, the word "one" and inserting in place thereof the word:- ten.

Approved June 6, 1989.

Chapter 114. AN ACT RELATIVE TO THE APPROACH OF EMERGENCY VEHICLES.

Be it enacted, etc., as follows:

Section 7A of chapter 89 of the General Laws, as amended by chapter 38 of the acts of 1987, is hereby further amended by inserting after the third sentence the following sentence:- No person shall operate a motor vehicle behind any such fire apparatus, ambulance, safety or police vehicle, or any vehicle bearing an official fire or police department designation which is operating with emergency systems on, for a distance of three hundred feet.

Approved June 6, 1989.

Chapter 115. AN ACT DESIGNATING A BRIDGE IN NORFOLK COUNTY AS THE JEWISH WAR VETERANS BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 27 over Interstate route I-95 in the town of Sharon shall be designated and known as the Jewish War Veterans bridge in recognition of the contribution to the nation and the commonwealth rendered by Jewish veterans. The department of public works shall erect suitable signs at such bridge bearing said designation in compliance with the standards of said department.

Approved June 6, 1989.

Chapter 116. AN ACT DESIGNATING A PORTION OF INTERSTATE HIGHWAY ROUTE 95 AS JEWISH WAR VETERANS HIGHWAY.

Be it enacted, etc., as follows:

That a portion of interstate Route 95 between state highway Route 128 in the city of Peabody and its junction with United States Highway Route 1 in the town of Danvers shall be designated and known as the Jewish War Veterans Highway in recognition of the contributions to the nation and the commonwealth rendered by Jewish veterans. 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 June 6, 1989.

Chapter 117. AN ACT CLARIFYING THE DUTY OF LICENSED MENTAL HEALTH PROFESSIONALS TO TAKE PRECAUTIONS AGAINST PATIENT VIOLENCE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section 129A, as appearing in section 2 of chapter 734 of the acts of 1987, and inserting in place thereof the following section:-

Section 129A. All communications between a licensed psychologist and the individuals with whom the psychologist engages in the practice of psychology are confidential. At the initiation of the professional relationship the psychologist shall inform the patient of the following limitations to the confidentiality of their communications. No psychologist, colleague, agent or employee of any psychologist, whether professional, clerical, academic or therapeutic, shall disclose any information acquired or revealed in the course of or in connection with the performance of the psychologist's professional services, including the fact, circumstances, findings or records of such services, except under the following circumstances: (a) pursuant to the provisions of section twenty B of chapter two hundred and thirty-three or any other law; (b) upon express, written consent of the patient; (c) upon the need to disclose information which protects the rights and safety of others if:

(1) the patient presents a clear and present danger to himself and refuses explicitly or by his behavior to voluntarily accept further appropriate treatment. In such circumstances, where the psychologist has a reasonable basis to believe that a patient can be committed to a hospital pursuant to chapter one hundred and twenty-three, he shall have a duty to seek said commitment. The psychologist may also contact members of the patient's family or other individuals if in the psychologist's opinion, it would assist in protecting the safety of the patient; or

(2) the patient has communicated to the psychologist an explicit threat to kill or inflict serious bodily injury upon a reasonably identified person and the patient has the apparent intent and ability to carry out the threat. In such circumstances the psychologist shall have a duty to take reasonable precautions. A psychologist shall be deemed to have taken reasonable precautions if said psychologist makes reasonable efforts to take one or more of the following actions:

(a) communicates a threat of death or serious bodily injury to a reasonably identified person;

(b) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides;

(c) arranges for the patient to be hospitalized voluntarily;

(d) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law.

(3) the patient has a history of physical violence which is known to the psychologist and the psychologist has a reasonable basis to believe that there is a clear and present danger that the patient will attempt to kill

or inflict serious bodily injury upon a reasonably identified person. In such circumstances the psychologist shall have a duty to take reasonable precautions. A psychologist shall be deemed to have taken reasonable precautions if said psychologist makes reasonable efforts to take one or more of the following actions:

(a) communicates a threat of death or serious bodily injury to the reasonably identified person;

(b) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides;

(c) arranges for his patient to be hospitalized voluntarily;

(d) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law.

(4) nothing contained herein shall require a psychologist to take any action which, in the exercise of reasonable professional judgment, would endanger himself or increase the danger to a potential victim or victims.

(5) the psychologist shall only disclose that information which is essential in order to protect the rights and safety of others.

(d) in order to collect amounts owed by the patient for professional services rendered by the psychologist or his employees; provided, however, that the psychologist may only disclose the nature of services provided, the dates of services, the amount due for services and other relevant financial information; provided, further, that if the patient raises as a defense to said action substantive assertions concerning the competence of the psychologist or the quality of the services provided, the psychologist may disclose whatever information is necessary to rebut such assertions; or

(e) in such other situations as shall be defined in the rules and regulations of the board.

No provision of this section shall be construed to prevent a nonprofit hospital service or medical service corporation from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to diagnosis, treatment, or other services provided to any person, including a minor or incompetent, for which coverage, benefit or reimbursement is claimed, so long as the policy or certificate under which the claim is made provides that such access to such records is permitted. No provision of this section shall be construed to prevent access to any such records in connection with any coordination of benefits, subrogation, workers' compensation, peer review, utilization review or benefit management procedures applied and implemented in good faith.

SECTION 2. Section 1 of chapter 123 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "Independent funds" the following definition:-

"Licensed mental health professional", any person who holds himself out to the general public as one providing mental health services and who is required pursuant to such practice to obtain a license from the commonwealth.

SECTION 3. Said section 1 of said chapter 123, as so appearing, is hereby further amended by inserting after the definition of "Likelihood of serious harm" the following four definitions:-

"Patient", any person with whom a licensed mental health professional has established a mental health professional-patient relationship.

"Psychiatric nurse", a nurse licensed pursuant to section seventy-four of chapter one hundred and twelve who specializes in mental health or psychiatric nursing.

"Psychiatrist", a physician licensed pursuant to section two of chapter one hundred and twelve who specializes in the practice of psychiatry.

"Psychologist", an individual licensed pursuant to section one hundred and eighteen to one hundred and twenty-nine, inclusive, of chapter one hundred and twelve.

SECTION 4. Said section 1 of said chapter 123, as so appearing, is hereby further amended by inserting after the definition "Qualified psychologist" the following definition:-

"Reasonable precautions", any licensed mental health professional shall be deemed to have taken reasonable precautions, as that term is used in section thirty-six B, if such professional makes reasonable efforts to take one or more of the following actions as would be taken by a reasonably prudent member of his profession under the same or similar circumstances:-

(a) communicates a threat of death or serious bodily injury to the reasonably identified victim or victims;

(b) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides;

(c) arranges for the patient to be hospitalized voluntarily;

(d) takes appropriate steps, within the legal scope of practice of his profession, to initiate proceedings for involuntary hospitalization.

SECTION 5. Said section 1 of said chapter 123, as so appearing, is hereby further amended by inserting after the definition of "Restraint" the following definition:-

"Social worker", an individual licensed pursuant to sections one hundred and thirty to one hundred and thirty-two, inclusive, of chapter one hundred and twelve.

SECTION 6. Said chapter 123 is hereby further amended by inserting after section 36A the following section:-

Section 36B. (1) There shall be no duty owed by a licensed mental health professional to take reasonable precautions to warn or in any other way protect a potential victim or victims of said professional's patient, and no cause of action imposed against a licensed mental health professional for failure to warn or in any other way protect a potential victim or victims of such professional's patient unless: (a) the patient has communicated to the licensed mental health professional an explicit threat to kill or inflict serious bodily injury upon a reasonably identified

victim or victims and the patient has the apparent intent and ability to carry out the threat, and the licensed mental health professional fails to take reasonable precautions as that term is defined in section one; or (b) the patient has a history of physical violence which is known to the licensed mental health professional and the licensed mental health professional has a reasonable basis to believe that there is a clear and present danger that the patient will attempt to kill or inflict serious bodily injury against a reasonably identified victim or victims and the licensed mental health professional fails to take reasonable precautions as that term is defined by said section one. Nothing in this paragraph shall be construed to require a mental health professional to take any action which, in the exercise of reasonable professional judgment, would endanger such mental health professional or increase the danger to potential victim or victims.

(2) Whenever a licensed mental health professional takes reasonable precautions, as that term is defined in section one of chapter one hundred and twenty-three, no cause of action by the patient shall lie against the licensed mental health professional for disclosure of otherwise confidential communications.

SECTION 7. The sixth paragraph of section 20B of chapter 233 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "section", in line 89, the words:- and section thirty-six B of chapter one hundred and twenty-three.

Approved June 6, 1989.

Chapter 118. AN ACT ALLOWING WARD COMMITTEES TO FIX THEIR OWN NUMBER OF MEMBERS.

Be it enacted, etc., as follows:

Chapter 52 of the General Laws is hereby amended by striking out section 9, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 9. Ward and town committees, respectively, shall fix the number of members of ward and town committees to be elected at the presidential primaries, not less than three nor more than thirty-five for each ward and each town. Notice of the number of committee members to be elected shall be given by the ward or town committee, as the case may be, to the state secretary on or before August first of the year preceding the year in which said persons are to be elected. In case a ward or town committee fails to fix the number of members of a ward or town committee or to give such notice, the number of members of such ward or town committee to be elected shall be the number of members last so fixed or assigned.

Approved June 6, 1989.

Chapter 119. 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 64 of the acts of 1988, and inserting in place thereof the following section:-

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

Approved June 6, 1989.

Chapter 120. AN ACT RELATIVE TO THE STAFF MEMBERSHIP OF LICENSED INDEPENDENT CLINICAL SOCIAL WORKERS IN CERTAIN HOSPITALS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (c) of section 19 of chapter 19 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Such regulations shall provide that no such facility, department or ward shall discriminate against an individual qualified within the scope of his license when considering or acting on an application of a licensed independent clinical social worker for staff membership or clinical privileges. Such regulations shall further provide that each application shall be considered solely on the basis of the applicant's education, training, current competence and experience. Each such facility, department or ward subject to such regulations shall establish, in consultation with the director of social work or, if none, a consulting licensed independent clinical social worker, the specific standards, criteria and procedures to admit applicants for staff membership and clinical privileges.

SECTION 2. Chapter 111 of the General Laws is hereby amended by inserting after section 51E, as so appearing, the following section:-

Section 51F. No hospital, or other institution, licensed under section fifty-one shall discriminate against an individual qualified within the scope of his license when considering or acting on an application of a licensed independent clinical social worker for staff membership or clinical privileges. Each application shall be considered solely on the basis of individual education, training, current competence and experience. Each hospital shall establish, in consultation with the director of social service or, if none, a consulting licensed independent clinical social

worker, the specific standards, criteria and procedures to admit applicants for staff membership and clinical privileges.

Approved June 6, 1989.

Chapter 121. AN ACT RELATIVE TO MAKING IT UNLAWFUL TO THREATEN, BURN OR DESTROY A PLACE OF WORSHIP.

Be it enacted, etc., as follows:

SECTION 1. Section 127A of chapter 266 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 1, the words "Any person who" and inserting in place thereof the word:- Whoever.

SECTION 2. Said section 127A of said chapter 266, as so appearing, is hereby further amended by adding the following paragraph:-

Whoever threatens to burn, deface, mar, injure, or in any way destroy a church, synagogue or other building, structure, or place of worship, shall be punished by a fine of not more than one thousand five hundred dollars, or by imprisonment in a jail or house of correction for not more than one year, or both.

Approved June 6, 1989.

Chapter 122. 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 Dr. John J. Janas, Jr., an unpaid bill incurred by said city and totalling five thousand three hundred thirty-three dollars and thirty-six cents said bill being legally unenforceable against said city and as are certified for payment by the school department of said city wherein the bill was contracted; provided, however, that the money so appropriated to pay such bill shall be paid by the school department 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 certificates have 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 June 6, 1989.

Chapter 123. AN ACT REQUIRING CONTRACTORS TO GIVE CERTAIN NOTICES WHEN MAKING EXCAVATIONS IN PUBLIC WAYS.

Be it enacted, etc., as follows:

Section 40 of chapter 82 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the eighth paragraph, and inserting in place thereof the following paragraph:-

Nothing contained in this section shall be construed to affect or impair local ordinances or by-laws requiring permits to be obtained before excavation in a public way, except that, notwithstanding any contrary provision of local ordinances or by-laws, no permit to excavate in a public way shall be approved or issued by the officer or board having charge of any such way, except in any emergency, until such time as copies of such notices to public utility companies and cable television companies are filed with said officer or board by the applicant for a permit as required by this section and copies of such notices are served by said officer or board upon the appropriate water and sewer department.

Approved June 6, 1989.

Chapter 124. AN ACT RELATIVE TO THE MEMBERSHIP OF BOARDS OF TRUSTEES OF SOLDIERS' MEMORIALS.

Be it enacted, etc., as follows:

Section 105 of chapter 41 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second, third and fourth sentences and inserting in place thereof the following three

sentences:- In cities the board shall consist of the mayor and five members appointed by him and approved by the council, three of whom shall be veterans and two of whom shall not be veterans of any war; two members shall be appointed for one year, two for two years, and one for three years, and as the term of each member expires, a successor shall be appointed for three years. Any vacancy shall be filled in the same manner for the unexpired term. In towns the said board shall consist of the chairman of the board of selectmen, and five members elected by the town in the same manner as other town officers, three of whom shall be veterans and two of whom shall not be veterans of any war; two members shall be elected for one year, two for two years and one for three years, and as the term of each member expires, a successor shall be elected for three years; but until such board is elected, the selectmen may appoint a temporary board to serve until the next annual town meeting.

Approved June 6, 1989.

Chapter 125. AN ACT AUTHORIZING THE TOWN OF HAMILTON TO TRANSFER CERTAIN FUNDS TO THE HOUSING AUTHORITY FOR ELDERLY HOUSING PURPOSES.

Be it enacted, etc., as follows:

The town of Hamilton is hereby authorized to pay over to the Hamilton Housing Authority all monies received by said town from the sale of two town owned properties located on Willow street and Lincoln avenue in said town in nineteen hundred and eighty-five. Such monies shall be used by said Authority for renovations to property of said Authority, located at one hundred and twenty-one Railroad avenue in said town for the purpose of providing congregate housing.

Approved June 6, 1989.

Chapter 126. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF DECEMBER TENTH AS HUMAN RIGHTS DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12MM the following section:-

Section 12NN. The governor shall annually issue a proclamation setting apart December tenth as Human Rights Day in recognition of the adoption of the Universal Declaration on Human Rights by the United Nations and recommending that said day be observed in an appropriate manner by the people.

Approved June 7, 1989.

Chapter 127. AN ACT RELATIVE TO LICENSE RENEWALS BY THE BOARD OF STATE EXAMINERS OF ELECTRICIANS.

Be it enacted, etc., as follows:

Section 3 of chapter 141 of the General Laws, as amended by section 5 of chapter 764 of the acts of 1987, is hereby further amended by striking out clauses (7) and (8) and inserting in place thereof the following two clauses:-

(7) Each certificate A and certificate C shall expire on July thirty-first every third year, commencing July thirty-first, nineteen hundred and eighty-nine, but may be renewed by the same person, firm or corporation acting by one or more of its members or officers, without further examination, upon payment of a fee, application therefor being made during said month. In case of failure to renew a license as aforesaid on or before July thirty-first of the third year, the person named therein, upon payment of said fee, increased by such additional fees as would have been payable had such license been continuously renewed may receive a deferred renewal thereof which shall expire July thirty-first of ensuing three year period; provided, however, that such renewed license shall not constitute its holder a license for any period preceding its issue.

(8) Each certificate B and certificate D shall expire on July thirty-first every third year, commencing July thirty-first, nineteen hundred and eighty-nine, but may be renewed upon payment of a fee upon the same conditions set forth in clause (7).

Approved June 9, 1989.

EMERGENCY LETTER: June 9, 1989 @ 11:26 A.M.

Chapter 128. 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 section thirty-nine, the solemnization of a marriage by Andrea F. Nuciforo as he is a justice of the probate and family court department in the commonwealth, in the town of Stockbridge on June seventeenth, nineteen hundred and eighty-nine between Elizabeth L. McInerny of the city of Pittsfield and Robert G.

Clarke of the city of Somerville, and the state secretary shall issue to said Andrea F. Nuciforo in his capacity as aforesaid a certificate of such authorization.

Approved June 12, 1989.

Chapter 129. AN ACT RELATIVE TO THE NONPROFIT STATUS OF THE HOLYOKE GERIATRIC AUTHORITY.

Be it enacted, etc., as follows:

Chapter 554 of the acts of 1971 is hereby amended by inserting after section 10C, inserted by section 2 of chapter 1097 of the acts of 1973, the following section:-

Section 10D. Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on by an organization exempt from Federal Income Tax under section 501 (c) (3) of the Internal Revenue Code of 1954 or by an organization contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code of 1954.

No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual except that reasonable compensation may be paid for services rendered to or for the corporation, no member, trustee, officer of the corporation or any private individual shall be entitled to share in distribution of any of the corporate assets upon dissolution of the corporation.

No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation except as otherwise provided by Internal Revenue Code section 501 (h), or participating in, or intervening in, including the publication or distribution of statements, any political campaign on behalf of any candidate for public office.

Upon the liquidation and the dissolution of the corporation, after paying or adequately providing for the debts and the obligations of the corporation, the remaining assets shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for charitable, educational, religious, and scientific purposes and which has established its tax-exempt status under section 501 (c) (3) of the Internal Revenue Code.

Approved June 12, 1989.

Chapter 130. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN EASEMENTS OVER COMMONWEALTH-OWNED LAND AT THE BELCHERTOWN STATE SCHOOL.

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 a permanent easement over land located at the Belchertown state school, to the town of Belchertown, 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 mental retardation said easement being described as follows:

Beginning at a point on the southerly sideline of George Hannum Street, said point being N.85 degrees 48' 10" W. a distance of 5.04 feet from the westerly terminus of the southerly sideline of Jackson Street at its' intersection with the southerly sideline of George Hannum Street;

Thence running N.85 degrees 48' 10" W. along the southerly sideline of George Hannum Street a distance of 55.27 feet to a point;

Thence, running S.34 degrees 35' 38" W. a distance of 862.57 feet to a point;

Thence, running N.65 degrees 32' 18" W. a distance of 64.44 feet to a point at the approximate centerline of an existing twelve foot wide gravel access road;

Thence, running S.24 degrees 27' 42" W. along the centerline of the access road a distance of 20.00 feet to a point;

Thence, running S.65 degrees 32' 18" E. a distance of 60.87 feet to a point;

Thence, running S.34 degrees 35' 38" W. a distance of 39.21 feet to the northeast corner of an existing sewage treatment plant;

Thence, running S.36 degrees 51' 40" E. along the treatment plant a distance of 30.97 feet to a point;

Thence, running N.35 degrees 41' 12" E. a distance of 55.00 feet to a point;

Thence, running S.54 degrees 18' 48" E. a distance of 5.00 feet to a point;

Thence, running N.35 degrees 41' 12" E. a distance of 20.00 feet to a point;

Thence, running N.54 degrees 18' 48" W. a distance of 5.00 feet to a point;

Thence, running N.35 degrees 41' 12" E. a distance of 885.08 feet to the point of beginning.

Said easement contains 37,518 square feet of land, more or less, and lies entirely on land of the Commonwealth.

The above-described easement is shown on plan marked "Plan of Proposed Sanitary Sewer Easement in Belchertown, Massachusetts" dated May 11, 1988.

SECTION 2. No deed conveying by or on behalf of the commonwealth the easement described in section one shall be valid unless such deed

provides that said easement shall be used for the purpose of laying, maintaining, repairing, replacing, and using one or more sanitary sewer lines and related sewerage treatment facilities.

SECTION 3. If the aforementioned purpose as described in section two ceases at any time, said easement shall revert to the commonwealth under such terms and conditions as the deputy commissioner shall prescribe.

SECTION 4. The town of Belchertown shall assume the costs of any appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the granting of this easement.

Approved June 12, 1989.

Chapter 131. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO REIMBURSE ESTELLE VEE SIMON CERTAIN MONIES PAID AS REAL ESTATE TAXES TO SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury is hereby authorized to reimburse Estelle Vee Simon the sum of five hundred and four dollars and seventy cents paid to said town on real estate taxes which were erroneously assessed for the years nineteen hundred and eighty-one through nineteen hundred and eighty-seven.

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

Approved June 13, 1989.

Chapter 132. AN ACT RELATIVE TO THE REPRESENTATIVE TOWN MEETING FORM OF GOVERNMENT IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 215 of the acts of 1929, as amended by section 1 of chapter 179 of the acts of 1978, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Upon the acceptance of this act by the town of Lexington as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than nine nor more than twelve voting precincts, each of which shall be plainly designated, and shall consist of as nearly equal population as is possible.

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

Approved June 13, 1989.

Chapter 133. AN ACT RELATIVE TO THE PUBLIC SCHOOL SYSTEM OF THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of this act, the following words shall have, unless the context requires otherwise, the following meanings:

"City", the city of Chelsea.

"School committee", the school committee of said city of Chelsea.

"School system", the public school system of said city of Chelsea.

"University", Boston University or, where appropriate, the trustees of Boston University.

SECTION 2. It is hereby declared and determined: that providing the best possible education to students in the public schools of the city of Chelsea and to the inhabitants of said city is the essential public purpose of the school committee; that the school system in said city currently offers unacceptably low levels of educational opportunity, as reflected by the poor performance of students on standardized tests, by the unacceptably high dropout rate of students and by the prevalence of functional illiteracy and academically and vocationally unprepared students in said city; that it is in the best interests of said city and its inhabitants to create new and expand existing educational opportunities in the school system so as to improve the academic performance of the students and to increase the general level of education among the inhabitants of said city; that the creation and expansion of educational opportunities within said school system would be significantly improved with the assistance of and under the direction of experts; that the university employs talented faculty and administrators who are experts in matters of educational policy and management, has particular knowledge of said school system gained by conducting a comprehensive study of said school system, has proven its ability, in a detailed report to the school committee, to identify the problems faced by said school system and to make specific and practical recommendations for capitalizing on the strengths and eliminating the weaknesses of said school system so that it may solve those problems, and thus is uniquely qualified to help the school committee make significant improvements in the educational opportunities offered by said school system and in the academic performance of students within said system; and that said city is experiencing and has experienced in recent years financial instability as evidenced in part by the enactment of chapter one hundred and forty-seven of the acts of nineteen hundred and eighty-six, which

instability has detracted further from the ability of the school committee to improve the condition of said school system and provides a further indication of the need for the extraordinary grant of authority to the school committee provided by this act.

It is further determined and declared to be in the best interests of said city and its inhabitants and said school system and its students and for the school committee, in exercising its duties, powers and functions, to seek the assistance and employ the resources of the university by granting some or all of such duties, powers and functions to the university in accordance with the provisions of this act, thereby fulfilling an essential public purpose.

SECTION 3. Notwithstanding any provision of any general or special law to the contrary, including without limitation the provisions of chapter seventy-one of the General Laws, and notwithstanding any provision of the city's charter to the contrary, the school committee is hereby authorized to enter into an agreement with the university, which may be subject to amendment by the parties from time to time and which shall be subject to termination by the school committee upon reasonable notice, under which (i) the school committee shall delegate to the university some or all of its legal duties, powers and functions, on such terms and subject to such conditions, controls, standards and procedures as the school committee may determine to be appropriate to ensure that the public purposes of the agreement and this act are carried out, and (ii) the university shall act for, on behalf of and in the name and stead of the school committee, in the manner set forth in such agreement, in exercising the duties, powers and functions which are so delegated. Any such agreement may provide that no votes of the school committee shall be required in connection with the exercise of any such powers. The term of any such agreement shall not exceed ten years.

SECTION 4. In exercising and performing any duties, powers and functions delegated to it pursuant to section three, the university shall use its best efforts to implement, during the term of any agreement entered into pursuant to said section three, the policy goals, purposes and objectives of this act, including, without limitation, revitalizing the curriculum of the school system to increase the rigor and breadth of the courses of instruction, including practice in organizing, integrating and applying knowledge with an emphasis on reasoning, mastery of content and problem-solving; to establish programs of professional development for school personnel and to provide learning opportunities for parents; to improve test scores of students in the school system, especially the scores for each school and the system as a whole in the elementary grades in reading, writing and mathematics; to decrease the dropout rate; to increase the average daily student attendance rate; to increase the number of high school graduates; to increase the number of high school graduates going on to attend four-year colleges; to increase the number of job placements for graduates; to develop a community school program

through which before-school, after-school and summer programs are offered to students in the school system and adult education classes for inhabitants of the city; to identify and encourage the utilization of community resources; to establish programs which link the homes to the schools; to decrease teacher absenteeism; to improve the financial management of the school system and expand the range of operating funds available to the school system; to increase salaries and benefits for all staff, including raising the teacher salary average to make it competitive with the statewide average; to construct effective recruiting, hiring and retention procedures for staff members; to establish student assessment designs and procedures which are of assistance in monitoring programs and which act as incentives for staff members in each school; and to expand and modernize physical facilities in the school system. Any agreement entered into pursuant to the provisions of section three shall require the university to make periodic, detailed reports to the school committee, the mayor of the city and the board of aldermen of the city with respect to the efforts and undertakings of the university under the provisions of such agreement and of this act.

SECTION 5. This act shall not be construed or interpreted to limit the authority of any public official otherwise authorized to conduct an audit of the public funds of the city or of the school committee, but neither shall this act be construed or interpreted to extend the authority of any such official to conduct an audit of any private funds of the university. The provisions of chapter twelve A of the General Laws shall not apply to any undertaking by the university or any of its officers, trustees, employees or agents pursuant to the provisions of this act, unless, and to the extent, any such undertaking shall be financed by funds received by the city, or an officer or department thereof, in accordance with the provisions of section fifty-three or section fifty-three A of chapter forty-four of the General Laws.

SECTION 6. For the purposes of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine of the General Laws and in connection with any undertaking by the university or any of its officers, trustees, employees or agents pursuant to the provisions of this act, no group of officers, trustees, employees or agents of the university shall be deemed to constitute a governmental body; provided, however, that all final decisions of the university acting pursuant to powers delegated by the school committee, which decisions, if made by the school committee directly, would be required to be made in an open meeting pursuant to said chapter thirty-nine, shall be made at a meeting open to the public conducted by one or more authorized representatives of the university. Except in an emergency, notice of any such meeting shall be filed with the clerk of the city, and the notice or a copy thereof shall be publicly posted in the office of said clerk or on the principal official bulletin board of the city at least forty-eight hours prior to such meeting, including Saturdays but not including Sundays.

SECTION 7. For the purposes of section ten of chapter sixty-six and clause Twenty-sixth of section seven of chapter four of the General Laws and in connection with any undertaking by the university or any of its officers, trustees, employees or agents pursuant to the provisions of this act, no book, paper, map, photograph, recorded tape, financial statement, statistical tabulation or other documentary materials or data made or received by any officer, trustee, employee or agent of the university shall be deemed to be a public record by virtue of having been so made or received, unless, and to the extent, any such record contains or describes (i) a final policy decision or position or (ii) a recommendation presented for action at an open meeting described in section six of this act. In connection with any such undertaking, no internal memorandum or correspondence between or among officers, trustees, employees or agents of the university shall be deemed to be a personnel record or part of a personnel folder, file or card for the purposes of section forty-two C of chapter seventy-one or section fifty-two C of chapter one hundred and forty-nine of the General Laws, nor shall refusal by the university or any such officer, trustee, employee or agent to furnish any such memorandum or correspondence, or any other document which is not a public record, or the information contained therein to any person or organization constitute a prohibited practice within the meaning of paragraph (a) of section ten of chapter one hundred and fifty E of the General Laws; provided, however, that any such memorandum or correspondence, to the extent used in connection with a decision relating to tenure, suspension, promotion, demotion or dismissal of an employee of the school system, shall be made available to such employee and to any organization representing such employee pursuant to said chapter one hundred and fifty E; and, provided further, that nothing in this act is intended to impair or limit the access of any individual or organization to records maintained in the city by the school committee or the superintendent of schools.

SECTION 8. Notwithstanding any provision of any special or general law to the contrary, while acting pursuant to any agreement with the school committee authorized by this act, the university in its corporate capacity and all of its officers, trustees, employees and agents (1) shall be deemed to be public employees for the purposes of chapter two hundred and fifty-eight of the General Laws and (2) shall be immune from liability for torts, except those based on wanton or malicious conduct, and from liability based on the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty, whether or not the discretion involved is abused; provided, however, that nothing in this act shall be construed to provide immunity with respect to any violation of the civil rights of any person under any law.

No person shall be entitled to the immunity provided by this section unless such person provides reasonable cooperation to the city and the school committee in the defense of any action or proceeding which arises out of the conduct of such person.

Except for the liability pursuant to chapter two hundred and fifty-eight of the General Laws provided for herein, nothing in this section shall be construed to impose any liability upon the city, the school committee, or any officer, employee or agent of either the city or the school committee, or to transfer any liability from the university, its officers, trustees, employees or agents to the city, the school committee or any officer, employee or agent of either the city or the school committee.

Notwithstanding any provision of any general or special law to the contrary, including, without limitation, the provisions of chapter two hundred and fifty-eight of the General Laws, and notwithstanding any provision of the city's charter to the contrary, the city and the school committee are hereby authorized to defend, hold harmless and indemnify the university, its officers, trustees, employees and agents as and to the extent they may agree to do so expressly in any agreement with the university, and the approval of any such agreement by the city board of aldermen and the execution thereof by the mayor of the city shall be conclusive as to the validity, enforceability and binding nature of any such agreement; provided, however, that the provisions of this paragraph shall not be construed to supersede or otherwise modify the provisions of the first paragraph of this section.

SECTION 9. In exercising authority delegated to it by the school committee, the university shall provide parents and students with all rights provided to them under law, except that if the school committee delegates to the university any of its powers relating to parents or students, (i) the contract may provide that no votes of the school committee shall be required in connection with any such powers and (ii) the contract shall subject the university to the procedural requirements associated with their rights as aforesaid otherwise applicable to the school committee including, without limitation, notice and hearing requirements.

SECTION 10. Subject to the provisions of section seven, nothing in this act or in any delegation by the school committee shall impair the rights of employees of the school committee or their public employee organization, including, without limitation, rights of tenure, seniority and collective bargaining provided by chapters thirty-one, seventy-one and one hundred and fifty E of the General Laws, or rights provided under any applicable collective bargaining agreement; provided, however, that (i) the contract may provide that no votes of the school committee shall be required in connection with any such powers and (ii) the contract shall subject the university to the procedural requirements associated with employee rights as aforesaid otherwise applicable to the school committee including, without limitation, notice and hearing requirements.

SECTION 11. This act shall not be construed or interpreted to authorize the university to assume any powers, functions or duties relat-

lating to the city other than those delegated to the university by the school committee in accordance with the provisions of section three. Without limiting the generality of the foregoing, none of the powers, functions or duties of the mayor or the board of aldermen of the city, including without limitation powers, functions or duties relating to the finances of the city, shall be delegated to or assumed by the university pursuant to this act; provided, however, that the agreement described in section three may provide for termination of such agreement by the university upon failure by the city to appropriate funds for the school system in the amounts contemplated by such agreement. In accordance with the provisions of section three and without limiting the generality of such provisions, any powers, functions or duties of the school committee relating to city finances, including, without limitation, the authority of the school committee to determine expenditures within the total appropriation for educational costs pursuant to section thirty-four of chapter seventy-one of the General Laws, the authority of the school committee to approve the acceptance and expenditure of grants and gifts of funds pursuant to section fifty-three A of chapter forty-four of the General Laws and the authority of the school committee generally to prepare budgets, incur liabilities and make expenditures for the school system pursuant to said chapters forty-four and seventy-one and the city's charter, may be delegated in whole or in part to the university. Nothing in this act shall be construed or interpreted to limit the authority of the university to accept and expend grants and gifts of funds on its own behalf and in its own name and stead in furtherance of its efforts and undertakings pursuant to the provisions of this act, nor shall the provisions of section thirty-one of chapter forty-four of the General Laws or the provisions of the city's charter apply to the expenditure of any such funds.

SECTION 12. This act, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 13. The university shall report its progress, or lack of it, in implementing any agreement between the university and the city authorized by this act, to the General Court by filing an annual report with the house clerk and senate clerk on September first, nineteen hundred and ninety-two, and on September the first for each year thereafter that any such agreement between the university and the city is in force and effect. Said report shall include, but not be limited to, a detailed statement, including all quantitative and qualitative evidence gathered by the university with a detailed analysis of the methodology used by the university to obtain such evidence, setting forth an analysis of the university's progress in (1) revitalizing the curriculum of the city's school system; (2) establishing programs for the professional development of school personnel and for the expansion of learning opportunities for parents; (3) improving test scores of students in the school system; (4) decreasing the dropout rate for students in the school system; (5) in-

creasing the average daily student attendance rate for the school system; (6) increasing the number of high school graduates from the school system; (7) increasing the number of high school graduates from the school system that go on to attend four-year colleges; (8) increasing the number of job placements for graduates of the school system; (9) developing a community school program through which before-school, after-school and summer programs are offered to students in the school system and through which adult education classes for inhabitants of the city are offered; (10) identifying and encouraging the utilization of community resources; (11) establishing programs which link the home to the school system; (12) decreasing teacher absenteeism in the school system; (13) improving the financial management of the school system and expanding the range of operating funds available to the school system including a detailed accounting of all funds raised by the university on behalf of the school system, how such funds have been expended or will be expended by the university, what expenses the university has incurred or reasonably expects to incur in carrying out its duties under its agreement with the city, and whether, and in what amount, any such funds raised by the university on behalf of Chelsea have been retained by the university and for what purpose; (14) increasing salaries and benefits for all staff, including raising the teacher salary average to make it competitive with the statewide average; (15) constructing effective recruiting, hiring, and retention procedures for staff members; (16) establishing student assessment designs and procedures which are of assistance in monitoring programs and which act as incentives for staff members in each school; and (17) seeking to expand and modernize physical facilities in the school system. A copy of said report also shall be filed simultaneously with the state board of education and with the school committee.

SECTION 14. This act shall take effect upon its passage.

Approved June 13, 1989.

Chapter 134. AN ACT AUTHORIZING THE SELECTMEN OF EAST LONGMEADOW TO APPOINT A TOWN TREASURER-COLLECTOR-TOWN CLERK 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 East Longmeadow shall, upon the expiration of the terms of the persons elected to the offices of town treasurer-collector and town clerk in April of nineteen hundred and ninety, appoint a person to the office of town treasurer-collector-town clerk of said town. The town treasurer-collector-town clerk 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, collectors of taxes and town clerks. Upon appointment and qualification, such town treasurer-collector-town clerk 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-collector-town clerk shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. In the event that the present town treasurer-collector and town clerk shall resign, be permanently disabled, or otherwise unable to perform the duties of the offices prior to the expiration of the 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. This act shall take effect upon its passage.

Approved June 13, 1989.

Chapter 135. AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO ESTABLISH A CERTAIN REVOLVING FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the city known as the town of Watertown is hereby authorized to establish in its treasury a revolving fund which shall be kept separate and apart from all other monies by the treasurer of said town and in which shall be deposited, at the discretion of the town manager, fees, charges, and fund raising proceeds of the Watertown senior center. The principal and interest thereon shall be expended without further appropriation under the direction of the town manager for the activities and operation of said center.

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

Approved June 13, 1989.

Chapter 136. AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY CERTAIN RETROACTIVE COMPENSATION.

Be it enacted, etc., as follows:

The city of Beverly is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said city is authorized to pay to certain employees of the public library of said city, compensation due in fiscal year nineteen hundred and eighty-seven the sum of nine thousand one hundred forty-two dollars and fifty-five cents; provided, however, that the money so appropriated to pay such compensation shall be raised by taxation or made available from the unappropriated surplus funds of the city.

Approved June 13, 1989.

Chapter 137. AN ACT EXEMPTING CERTAIN MEMBERS OF CERTAIN COMMISSIONS OF THE CITY OF BOSTON FROM CERTAIN PROVISIONS OF THE CONFLICT OF INTEREST LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 616 of the acts of 1955, as most recently amended by section 4 of chapter 624 of the acts of 1982, is hereby further amended by adding the following paragraph:-

Members of the commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before the commission, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in the commission's review or decision on the particular matter; and (2) as soon as the conflict is known, the commission member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 2. Section 1 of chapter 665 of the acts of 1956, as most recently amended by section 1 of chapter 77 of the acts of 1958, is hereby further amended by adding the following paragraph:-

Zoning commission members, and members of the Boston civic design commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before their respective commissions, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in

the commission's review or decision on the particular matter; and (2) as soon as the commission member becomes aware of the conflict, such member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 3. Section 4 of chapter 625 of the acts of 1966, as most recently amended by section 7 of chapter 624 of the acts of 1982, is hereby further amended by adding the following paragraph:-

Members of the commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before the commission, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in the commission's review or decision on the particular matter; and (2) as soon as the conflict is known, the commission member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 4. Section 3 of chapter 772 of the acts of 1975, as most recently amended by section 9 of chapter 624 of the acts of 1982, is hereby further amended by inserting after the third paragraph the following paragraph:-

Members of the commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before the commission, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in the commission's review or decision on the particular matter; and (2) as soon as the commission member becomes aware of the conflict, such member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

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

Approved June 14, 1989.

Chapter 138. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF SOUTH HADLEY.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of South Hadley may appoint such special police officers for the town of South Hadley as the board deems 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 permanent intermittent police officers of the town, and shall be subject to the same training requirements as said permanent intermittent 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 said board. Said special police officers shall be sworn before the town clerk of the town 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 June 14, 1989.

Chapter 139. AN ACT RELATIVE TO THE ISSUANCE OF LICENSES TO OPERATE CERTAIN PRIVATE BUSINESS SCHOOLS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section 2 of chapter 75D of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The provisions of this chapter shall not apply to any private business school which charges tuitions not exceeding two hundred and fifty dollars per student in any year; provided, however, that such private business schools shall be subject to the bonding provisions of section fourteen and, the provisions relating to personal service contracts contained in section thirteen K of chapter two hundred and fifty-five.

Approved June 14, 1989.

Chapter 140. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF EASTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. The town administrator of the town of Easthampton may appoint such special police officers for said town of Easthampton as he deems 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 intermittent police officers of the town and shall be subject to the same training requirements as said intermittent officers.

SECTION 3. Said special police officers shall be appointed for an indefinite term, subject to removal by the town administrator. Said special police officers shall be sworn before the town clerk of the town of Easthampton 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 June 15, 1989.

Chapter 141. AN ACT RELATIVE TO THE OFFICE OF EXECUTIVE SECRETARY OF THE TOWN OF AUBURN.

Be it enacted, etc., as follows:

SECTION 1. Section 3.05 of chapter 3 of the charter of the town of Auburn which is on file with 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 the third sentence and inserting in place thereof the following sentence:- Notwithstanding any other provision of this charter which may be construed to the contrary, the executive secretary need not be a resident of the town of Auburn but must become a resident of the commonwealth within one year of his appointment.

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

Approved June 15, 1989.

Chapter 142. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-NINE 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 new activities and projects, the sums set forth in sections two, three, and four for the several purposes and subject to the conditions specified therein are hereby appropriated from the General Fund unless specifically designated otherwise in the items, 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, for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine 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.

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JUDICIARY.

0321-0001 For the expenses of the commission on judicial conduct $25,000

Public Counsel Services.

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 twenty-seven positions $4,843,803

SECRETARY OF THE COMMONWEALTH.

0521-0000 For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections $220,000

TREASURER AND RECEIVER-GENERAL.

0611-5800 For distribution to each city and town within which racing meetings are conducted; provided, that each city or town's distribution

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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 $58,503

Local Aid Fund 100.0%

Debt Service.

0699-9100 For the payment of interest and 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 $43,177,524

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

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 basis as the applicable collective bargaining agreement provides $250,000

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

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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 percent 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 com-

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monwealth 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 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; provided further that notwithstanding the provisions of chapter six A of the General Laws or any other general or special law, commencing October first, nineteen hundred and eighty-eight, no health benefit plan offered by the commission shall be liable for any payments on behalf of persons enrolled in said plans to acute hospitals for uncompensated care, as provided in said chapter six

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A; provided further that for the purposes of section eighty-seven of said chapter six A and section fifteen of chapter one hundred and eighteen F of the General Laws, "private sector share" shall be defined so as not to include the share of costs incurred by the commission on behalf of persons enrolled in health benefit plans offered by the commission $21,000,000

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 $1,533,547

Public Employee Retirement Administration - Workers' Compensation.

1108-6200 For the purposes of workers' compensation paid to public employees, including previous fiscal years $2,000,000

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

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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 $2,099,804

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; provided, however, that no employees transferred from said district attorneys' offices to the department of revenue shall lose any of the rights or privileges which they possessed as employees of said offices, provided that those rights and benefits are available to executive branch employees.

1599-3315 For the transportation of prisoners to and from the several departments of the trial court by

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the sheriffs of the various counties, including the cost of personal services and the purchase of vehicles and other equipment for said purposes; provided, that the commissioner of administration is hereby authorized to advance to the county treasurer of each county the sums set forth below for each respective county: Barnstable, two hundred seventy-three thousand six hundred and seventy-six dollars; Berkshire, one hundred ninety-four thousand seven hundred and seventy-four dollars; Bristol, two hundred ninety-three thousand nine hundred and fifty dollars; Dukes, sixty-four thousand six hundred and forty-two dollars; Essex, four hundred nineteen thousand seven hundred forty-three dollars; Franklin, one hundred sixty-seven thousand eight hundred and one dollars; Hampden, three hundred ninety-six thousand five hundred and fifty-one dollars; Hampshire, one hundred seventy-five thousand two hundred and seventy dollars; Middlesex, six hundred twenty-three thousand seven hundred and sixty-five dollars; Nantucket, twenty thousand dollars; Norfolk, four hundred twelve thousand five hundred and thirty-one dollars; Plymouth, four hundred thirty-two thousand nine hundred and sixty-two dollars; Suffolk, three hundred ninety-nine thousand three hundred and twenty-eight dollars; Worcester, three hundred seventy-four thousand fifty-four dollars; provided further, that the commissioner of administration, upon agreement of the respective sheriffs, may adjust such amounts in such a fashion as is necessary to meet the actual cost of said transportation; provided further, that each such treasurer shall deposit said amounts into a fund to be expended solely for the purpose of this item; and provided further, that any interest earned by said fund shall be deposited to said fund and made available for expenditure for the purpose of this item in addition to the amounts appropriated herein and that any unexpended balance of such fund as of June thirtieth, nineteen hundred and

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	eighty-nine, shall be returned to the commonwealth		$50,000
	Local Aid Fund	100.0%	
1599-3507 For	the reimbursement of insurance costs		$112,239
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 and to meet certain other payroll costs; 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		

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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; provided further, that the provisions of section thirteen of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight shall not apply to this appropriation; 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.

1599-3623 For a reserve to meet the fiscal year nineteen hundred and eighty-eight and nineteen hundred and eighty-nine costs of salary adjustments authorized by a certain collective bargaining agreement between the commonwealth and the Suffolk county superior court officers' association; provided, that the secretary of administration and finance is hereby authorized to spend from the sum appropriated herein, and to transfer therefrom to other items of appropriation and allocations thereof from 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 costs 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 analyses 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 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 notification of

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	the house and senate committees on ways and means	$267,000
1599-3656	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 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 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 year 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	

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provided further, that no transfers shall be made as authorized herein without prior notification of the house and senate committees on ways and means $2,813,263

1599-3657 For a reserve to meet the fiscal year nineteen hundred and eighty-eight and nineteen hundred and eighty-nine costs of salary adjustments authorized by a certain collective bargaining agreement between the commonwealth and Massachusetts state college association/Massachusetts teachers' association; provided, that the secretary of administration and finance is hereby authorized to spend from the sum appropriated herein, and to transfer therefrom to other items of appropriation and allocations thereof from 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 costs 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 analyses 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 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 notification of the house and senate committees on ways and means $514,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS. DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

Item

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 $146,752

Inland Fisheries and Game Fund	12.7%
General Fund	87.3%

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 $1,385,416

Local Aid Fund	36.0%
Highway Fund	64.0%

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 $160,000

General Fund	33.0%
Highway Fund	67.0%

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Item

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 percent of the units in such projects will be occupied by persons and families who are, at the time of initial occupancy, of low income; provided further, that the department shall, to the maximum extent possible, give priority for funding to projects that provide the greatest number of three or more bedroom units in said project; provided further, that the department shall, to the maximum extent possible, give priority for funding to projects in economically distressed areas; 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; and provided further, that of the amount appropriated herein, one hundred eighty-seven thousand three hundred and

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twenty-nine dollars may be expended for costs incurred in previous fiscal years $2,338,250

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 year nineteen hundred and eighty-eight 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 ninety $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 appropriate under an interagency agreement between said commission and the department of public welfare subject to the approval of the secretary of the executive office of human services; 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 $16,700,000

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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 $390,687

Soldiers' Home in Holyoke.

4190-0100 For the maintenance of the home, including not more than three hundred and eighty-five positions $365,135

DEPARTMENT OF YOUTH SERVICES.

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 $155,000

4238-1000 For the operation of the secure facilities administered and operated by the department; provided, that prior year costs for certain utilities may be paid for from this item, and provided further, that not less than nine hundred and twenty-five thousand dollars be obligated for the Stephen L. French Youth Forestry Camp, including not more than three hundred and eighty-two positions $62,851

DEPARTMENT OF CORRECTION.

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

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health services for inmates at MCI-Framingham, including not more than two hundred and eighty-three positions $639,295

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

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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 as approved by the commissioner, including not more than four thousand three hundred and five positions $5,641,030

DEPARTMENT OF PUBLIC WELFARE.

4402-5020 For inpatient hospital care $192,500,000

4403-2000 For a program of aid to families with dependent children; provided, that the standard shall be increased five and one-half percent 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 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

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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 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 $19,309,692

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 $2,174,000

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 percent 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

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	changes in the eligibility criteria for benefits under this program shall be implemented without the prior written approval of the house and senate committees on ways and means; provided further, that to recognize the special needs of recipients who must obtain private housing in the tight Massachusetts housing market, a 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	$4,280,000
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 public welfare to be allocated through an interagency agreement with the executive office of communities and development to recipients of aid to families with dependent children who are receiving emergency assistance and are temporarily housed in hotels, motels or shelters notwithstanding provisions to the contrary in section forty-three of chapter one hundred and twenty-one B of the General Laws; provided further, than not less than seven hundred and thirty-four thousand dollars be obligated for a comprehensive multi-service day program for the homeless	$196,000

DEPARTMENT OF SOCIAL SERVICES.

Item

4800-0020 For the delivery of permanency services to children in the care of the department, including the provision of adoption, guardianship and subsidies; provided, that the department shall make an 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; 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

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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 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 twenty-nine positions $1,030,000

4800-0200 For regional direct services; provided, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund; provided further, that not less than four million dollars shall be obligated for purchased social services in region I; provided further, that not less than three million eight hundred thousand dollars shall be obligated for purchased social services in region II; provided further, than 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 hundred and fifty thousand dollars shall be obligated for purchased social services in region VI; provided further, that the depart-

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ment shall 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 seven hundred and sixty-eight positions $3,951,535

DEPARTMENT OF MENTAL HEALTH.

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 thousand and fourteen positions $2,000,000

DEPARTMENT OF MENTAL RETARDATION.

5983-0100 For the operation of facilities for the mentally retarded, including not more than ten thousand six hundred and one positions $5,071,966

DEPARTMENT OF EDUCATION.

7061-0012 For noneducational 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 percent 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

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a residential school prior to completion of such an audit report $2,633,334

7061-9000 For payments to regional school districts under the provisions of section sixteen D of chapter seventy-one of the General Laws; provided, that of the sum appropriated herein, not less than four hundred ninety-three thousand eight hundred and twenty-seven dollars shall be made available to the Southwick-Tolland regional school district; and provided further, that of the sum appropriated herein, not less than two hundred eighty-six thousand one hundred and four dollars shall be made available to the Quaboag regional school district $779,931

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Division of State Police.

8312-0100 For the administration of the division; provided, however, that there shall be a minimum of one hundred state police officers assigned to full time duty with the narcotics unit in the bureau of investigative services within the division of state police and under the command of a commissioned officer of the state police; provided further, that all such officers shall be exclusively assigned on a full time basis to undercover operations, smuggling operations, the investigation of 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 $1,953,973

General Fund 15.0%
Highway Fund 85.0%

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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 review by the office of management information systems and pursuant to schedules by said office; provided further, that forty percent 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 com-

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plement of registry police officers and shall not be less than three hundred and twenty-five $608,531

8500-0001 For the operation 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 $181,000

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 $222,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

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 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 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

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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 meal 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 two million seven 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 provided further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the comptroller is hereby authorized to approve payment in an amount not exceeding three hundred thousand dollars for certain contracted services rendered for demand responsive transportation services for elders in certain rural regional transit authority districts during the period July first, nineteen hundred and eighty-seven through June thirtieth, nineteen hundred and eighty-eight.

EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.

State Racing Commission.

9210-0001 For the administration of the commission, including not more than forty-five positions $128,170

EXECUTIVE OFFICE OF LABOR.

Board of Conciliation and Arbitration.

9420-0100 For the expenses of the board of conciliation and arbitration; provided, that funds provided in this item may be expended for costs incurred in previous fiscal years, including not more than nineteen positions $167,000

SECTION 3.

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.

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 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 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 or to corporations and individuals 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 Telecommunications.

1102-4055 The commissioner of administration may incur and the comptroller may certify for payment, expenses and liabilities in an amount not to exceed thirteen million dollars, for the purchase or rental of telecommunications lines, services, and equipment, from charges to be assessed agencies for the use of said lines, services, and equipment $13,000,000

Comptroller's Division.

1103-1000 The state comptroller may expend revenues in an amount not to exceed one hundred and twenty-five thousand dollars from allocated federal funds transferred from federal reimbursement and grant receipts pursuant to line item 1103-1000 of section two of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight, 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 $125,000

1103-1101 The state comptroller may expend revenues in an amount not to exceed one million two hundred and fifty thousand dollars from federal reimbursements received on account of a project to maximize revenues collected by the department of social services pursuant to Title IV-E of the Social Security Act, by the department of revenue pursuant to Title IV-D of said Act, by the department of public welfare, pursuant to Titles IV-A, XIX, and IV-F of said Act, and to the food stamp program operated by the department, by the executive office of elder affairs pursuant to section XIX of said Act, or by these departments or other state departments pursuant to reimbursement provisions of the federal government, for the costs of a contract to perform said revenue maximization project; provided that expenditures of revenues authorized by this item to be retained by the comptroller shall be made in accordance with the provisions of section four of this act; provided further, that this item

shall expire on June thirtieth, nineteen hundred and ninety $1,250,000

Purchasing Agent - Postal and Supply Chargeback.

1104-6600 The state purchasing agent may incur, pursuant to the provisions of section fifty-one of chapter thirty of the General Laws, as appearing in the 1986 Official Edition, and the comptroller may certify for payment, expenses and liabilities in an amount not to exceed one million, five hundred thousand dollars, for the purchase, delivery and handling of, and contracting for, supplies, postage, and related equipment, and for other incidental expenses of said purchasing agent as provided in said section, from charges to be assessed agencies for the provision of said supplies, postage, and equipment $1,500,000

Purchasing Agent's Division.

1104-6601 Pursuant to section twenty-one A of chapter eight hundred and eight of the acts of nineteen hundred and eighty-one, chapter four hundred and forty-nine of the acts of nineteen hundred and eighty-four, and section four L of chapter seven of the General Laws, as appearing in the 1986 Official Edition, the state purchasing agent is hereby authorized to incur, and the comptroller may certify for payment, incidental expenses, including the costs of such supervisory and clerical positions as may be necessary to carry out said provisions, related to the acquisition, warehousing, allocation and distribution of federal and other surplus government property to eligible institutions as prescribed in accordance with the approved state plan of operation, in an amount not to exceed six hundred and fifty thousand dollars; provided, further, that said expenses shall be fully reimbursed from the proceeds of charges to eligible institutions for the costs of such surplus property disposition services; provided, further, that the total amount of expenses so incurred by said purchasing agent during the fiscal year shall not at any time

during said fiscal year exceed by more than two hundred thousand dollars the total amount received at such time during said fiscal year on account of said charges $650,000

Massachusetts Commission Against Discrimination.

1150-5100 The Massachusetts commission against discrimination may expend an amount not to exceed twenty-five thousand dollars, from revenues received by the commonwealth through the licensing fee assessed to the state's real estate brokers and agents by the division of registration, for the investigation of housing discrimination complaints $25,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

DEPARTMENT OF PUBLIC HEALTH.

Indigent Driver Alcohol Education Programs.

4512-0201 The commissioner of the department of public health may expend twenty percent of revenues collected by the chief probation officer of each court pursuant to the ninth paragraph of section twenty-four D of chapter ninety of the General Laws, in an amount not to exceed three hundred fifty thousand dollars, for the purposes of a program to reimburse driver alcohol education programs for services provided to court adjudicated indigent clients $350,000

4591-0100 Lakeville, Rutland Heights and Western Massachu-
4592-0100 setts hospitals within the department of pub-
4593-0100 lic health may expend an amount not to exceed
4594-0100 twenty-six million dollars from all revenues
4596-0100 collected, subject to the approval of the com-
4597-0100 missioner of public health. Revenues collect-
4599-0100 ed by Lakeville, Rutland Heights and Western Massachusetts hospitals can be used for all hospital related costs including "01" and "02" personnel costs, capital expenditures and motor vehicle replacement. Notwithstanding any general or special law to the contrary, Rutland Heights and Western Massachusetts hospitals will be eligible to receive the state and

federal share of reimbursements from the medical assistance program of the department of public welfare and the commission for the blind; provided that, notwithstanding any general or special law to the contrary, Rutland Heights and Western Massachusetts hospitals shall reimburse the General Fund one hundred forty-two thousand dollars and one hundred eight thousand dollars, respectively, from said receipts for employee benefit expenses. 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 thirty-one million five hundred ninety-seven thousand two hundred and twenty-seven dollars and to the extent that such revenues from said hospitals do not exceed thirty-four million three hundred and sixty thousand dollars.

DEPARTMENT OF SOCIAL SERVICES.

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 seven million seven hundred thousand dollars, for the provision of direct social services $7,700,000

4800-0410 The commissioner of the department of social services may expend revenues collected from the establishment of a sliding fee scale for services, in an amount not to exceed five hundred thousand dollars, for the provision of direct social services $500,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Executive Office.

6000-0110 The executive office of transportation and construction may expend, for the purpose of property management and maintenance on railroad properties owned by the executive office on behalf of the commonwealth an

amount not to exceed twenty-five thousand eight hundred dollars from fees and rents received pursuant to section four of chapter one hundred and sixty-one C of the General Laws $25,800

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, and through charges set by the secretary for administration and finance for blood tests for lead performed by the department for the purpose of implementing chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven, including not more than ten positions.

SECTION 4. The state comptroller is hereby authorized to enter into a contract with the University of Massachusetts at Boston for the purpose of a project to identify maximum federal reimbursement opportunities for certain federally assisted programs of the commonwealth; provided, that the comptroller is hereby authorized to enter into interagency service agreements with the department of social services, the department of revenue, the department of public welfare, the executive office of elder affairs, or other state departments, as applicable, for the purpose of ensuring maximum federal reimbursement for the costs of said project; provided further, that payments on account of said project costs shall be made from, and only upon receipt of, federal reimbursement for such costs; provided further, that the state comptroller shall establish accounts and procedures within the affected departments as he deems appropriate and necessary to accomplish the purposes of this section; provided further, that the comptroller shall report quarterly, to the house and senate committees on ways and means on the findings of said project.

SECTION 5. Notwithstanding any general or special law, rule or regulation to the contrary, the department of medical security shall not alter criteria for hospital credit and collection policies from those established under rate setting commission regulations in effect as of September, nineteen hundred and eighty-seven; nor shall the department establish new standards for determining reasonable bad debt or free care.

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

Approved June 15, 1989.

This bill was returned on June 15, 1989 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:

Items disapproved: Section 5.

SECTION 2. Items Reduced:

Item	Reduce to
4100-0011	$3,700,000

Chapter 143. **AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE TOWN OF NATICK AS THE JOHN V. FITZMAURICE MEMORIAL INTERCHANGE.**

Be it enacted, etc., as follows:

The intersection at the junction of Oak street and Worcester road in the town of Natick shall be designated and known as the John V. Fitzmaurice Memorial interchange, in memory of John V. Fitzmaurice who served as a state engineer for forty-six years and whose innovative engineering designs have served as nationwide models. Suitable markers bearing said designation shall be attached thereto or erected thereat by the department of public works in compliance with the standards of said department.

Approved June 15, 1989.

Chapter 144. **AN ACT RELATIVE TO SCHOOL RECORDS OF MISSING PERSONS.**

Be it enacted, etc., as follows:

Chapter 22A of the General Laws is hereby amended by adding the following section:-

Section 9. Upon receipt of a report of a missing child to a law enforcement authority, such authority shall notify the last known elementary or secondary school, either public or private, in which such child had been enrolled as to such child's disappearance. If said law enforcement authority has reason to believe that a missing child or person has been enrolled in a specific school in the commonwealth, said authority shall notify such school as to such disappearance. Upon notification by a law enforcement authority of a child's disappearance, each elementary and secondary school, either public or private, in which such child is currently or was previously enrolled shall mark the record of such child in such a manner that whenever a copy of or information regarding the record is requested, said school shall be alerted to the fact that the record is that of a missing child. The school shall immediately report to the appropriate law enforcement authority any request concerning such marked records or knowledge as to the whereabouts of such missing child.

Upon learning that a missing child has been located, such law enforcement authority shall notify any school previously informed of such child's disappearance that such child has been located, and the school shall remove such mark from the record of such child.

Approved June 15, 1989.

Chapter 145. **AN ACT PROVIDING FOR THE APPOINTMENT OF COUNSEL FOR CHILDREN IN CERTAIN ADOPTION PROCEEDINGS.**

Be it enacted, etc., as follows:

Paragraph (b) of section 3 of chapter 210 of the General Laws, as appear-

ing in the 1986 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- The court shall appoint counsel to represent the child in the proceeding unless the petition is not contested by any party.

Approved June 15, 1989.

Chapter 146. **AN ACT DECLARING "WINTHROP BEACH AWARENESS DAY" BY THE METROPOLITAN DISTRICT COMMISSION.**

Be it enacted, etc., as follows:

The commissioner of the metropolitan district commission, shall annually declare the last Saturday in June as "Winthrop Beach Awareness Day", and shall by proclamation and by other appropriate activities, recommend that exercises relative to such day be observed in the town of Winthrop.

Approved June 15, 1989.

Chapter 147. **AN ACT RELATIVE TO THE BOARD OF REGISTRATION OF SANITARIANS.**

Be it enacted, etc., as follows:

SECTION 1. Section 87MM 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 MM of chapter one hundred and twelve of the General Laws, inserted by section one of this act, shall apply to persons seeking renewal of registration under said section eighty-seven MM on or after January first, nineteen hundred and ninety-one.

Approved June 15, 1989.

Chapter 148. **AN ACT AUTHORIZING THE TOWN OF WRENTHAM TO REVOKE ITS ACCEPTANCE OF THE LAW ESTABLISHING A BOARD OF PUBLIC WORKS IN SAID TOWN.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Wrentham is hereby authorized to revoke its acceptance of sections sixty-nine C to sixty-nine F, inclusive of chapter forty-one of the General Laws.

Approved June 15, 1989.

Chapter 149. **AN ACT EXEMPTING THE POSITION OF PRINCIPAL CIVIL ENGINEER IN THE DEPARTMENT OF TRAFFIC ENGINEERING OF THE CITY OF WORCESTER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of principal civil engineer in the department of traffic engineering of the city of Worcester shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of the incumbent of said position of principal civil engineer in the department of traffic engineering of the city of Worcester on the effective date of this act.

Approved June 15, 1989.

Chapter 150. **AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO INDEMNIFY GEORGE D. LEBRUN, A RETIRED POLICE OFFICER IN SAID TOWN.**

Be it enacted, etc., as follows:

SECTION 1. The town of Weymouth is hereby authorized to indemnify George D. Lebrun, a retired police officer receiving a disability pension from said town, for prosthetic and related expenses incurred in October, nineteen hundred and eighty-seven; provided, however, that said indemnification shall not exceed twelve hundred dollars.

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

Approved June 19, 1989.

Chapter 151. **AN ACT REGULATING PETS IN CERTAIN PUBLIC HOUSING.**

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 23B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 125, the word "fifty-one B." and inserting in place thereof the following:- fifty-one B;

(u) establish, conduct and maintain a program of pet ownership by elderly residents of state-aided public housing for the elderly.

SECTION 2. (A) The department of community affairs is hereby authorized and directed to establish a program to grant waivers to elderly residents of state-aided public housing for the elderly to allow ownership of pets in such public housing. Applications for such waiver shall be attached to each lease for such housing. In order to qualify for a waiver such elderly resident shall comply with all the terms and conditions set forth herein and established by the department in its rules and regulations and upon such compliance a waiver shall be granted.

A waiver may be granted by the department or by a local pet committee or by the management of such housing, or its duly appointed designee, as determined in the rules and regulations of the department. Said waiver shall not be deemed to create any right of pet ownership in such an elderly resident and nothing contained in this section shall create any right to pet ownership in any tenant of such state-aided public housing for the elderly.

(B) To qualify for such waiver the elderly resident of such housing shall:

(1) file all necessary information relating to pet ownership as determined by the department; provided, however, that said information shall in no way preclude an applicant from applying for such waiver who does not own a pet at the time of such application;

(2) post a security deposit of one hundred and sixty dollars or one month's rent, whichever is less, in accordance with the rules and regulations of the department;

(3) agree to maintain reasonable standards of cleanliness concerning the pet, including pet care and cleanliness in the apartment of such residence and in any common areas or grounds; and

(4) agree to comply with all terms and conditions established by the department.

(C) The department shall not prohibit the management of any such state-aided public housing for the elderly from reasonably refusing to allow ownership of a specific pet or from limiting the number of pets any resident may own. The department shall: (1) establish a procedure to resolve complaints arising hereunder; (2) provide for the creation of local pet committees; (3) require the management of such housing to maintain complete and accurate records of pet ownership in such housing; and (4) establish a procedure to appeal a denial of a waiver.

(D) The department shall establish rules and regulations to implement and enforce this program under the provisions of this section.

SECTION 3. The department of community affairs shall monitor the progress of the pet ownership program established under the provisions of section two and report its results to the governor and the general court, annually, beginning December thirty-first, nineteen hundred and eighty-nine.

SECTION 4. The department of community affairs shall promulgate rules and regulations pursuant to section two on or before September first, nineteen hundred and eighty-nine and shall file the same on or before September first, nineteen hundred and eighty-nine with the clerks of the senate and of the house of representatives who shall forward said rules and regulations to the joint committee on housing and urban development.

Approved June 19, 1989.

Chapter 152. AN ACT AUTHORIZING THE TOWN OF LUNENBURG TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Lunenburg is hereby authorized to convey a certain parcel of conservation land owned by the town of Lunenburg consisting of 2.025 ± to Harold Alatalo in exchange for a certain parcel of land owned by Harold Alatalo

consisting of 15.077 + acres located on Howard street in Lunenburg and to be dedicated for conservation purposes.

SECTION 2. The parcel of land to be conveyed by the town of Lunenburg to Harold Alatalo is situated in the town of Lunenburg on the southerly side of Mulpus road, in said town and is bounded and described as follows: Beginning at the northerly most corner of the land of Harold W. Alatalo and Karen M. Alatalo, said corner being located on the southerly side of Mulpus Road and 100.0' feet in an easterly direction from intersection with said Townsend Harbor Road; thence southwesterly at an angle of 90.0' formed with boundary on Mulpus Road for a distance of 150.0' feet to a cover being the westerly most corner of land owned by Harold W. Alatalo and Karen M. Alatalo, et ux.; thence southwesterly at an included angle of 90.0 and running 500.0' feet along the southwesterly border of land owned by Harold W. Alatalo, et ux., and being a parallel direction said Mulpus Road to a corner of land being the easterly most corner of land herein conveyed; thence southwesterly at an included angle of 90.0 for a distance of 100.0' feet to a point being the southerly most corner of land herein conveyed; thence northwesterly at an included angle of 90.0 and running in a northwesterly direction and border being parallel to said Mulpus Road for a distance of approximately 600.0' feet to a point being located on the easterly side of said Townsend Harbor Road and being the westerly most corner of land herein conveyed; thence northwesterly along the easterly boundary of Townsend Harbor Road for a distance of 300.0' feet to a point intersecting said Townsend Harbor Road with Mulpus Road and being the northerly most corner of land herein conveyed; thence running in an easterly direction along the southerly side of said Mulpus Road for a distance of 100.0' feet to a point being the northerly most corner of land owned by Harold W. Alatalo and Karen M. Alatalo. This parcel of land contains approximately 2.025 acres of land.

SECTION 3. The parcel of land to be conveyed by Harold Alatalo to the town of Lunenburg for conservation services in substitution is situated within the town of Lunenburg off the northerly side of Howard street in the town of Lunenburg being the same premises as described in Lot No. 1, Plan Book 159, Page 11, recorded at the Worcester northern district registry of deeds in Worcester county, entitled"Estate of Marie A. Alatalo". Said plan dated on March 5, 1971, and duly recorded on August 30, 1971. The above lot (#1) and entire plan having been certified by William R. Bingham & Associates, Registered Engineers and Surveyors. This parcel of land granted containing approximately 15.077 acres of land.

SECTION 4. Such deed from the town of Lunenburg transferring said 2.025 ± acres to Harold Alatalo shall be subject to the restrictions voted upon at the nineteen hundred and eighty-eight annual town meeting held on May fourteenth, nineteen hundred and eighty-eight in the town of Lunenburg; and further, shall be subject to conservation restrictions pursuant to sections thirty-one to thirty-three, inclusive, of chapter one hundred and eighty-four of the General Laws.

SECTION 5. This act shall take effect upon its acceptance by the town of Lunenburg.

Approved June 19, 1989.

Chapter 153. AN ACT RELATIVE TO REFERRAL OF IMPAIRED PHYSICIANS TO DRUG AND ALCOHOL PROGRAMS.

Be it enacted, etc., as follows:

The second paragraph of section 5F of chapter 112 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- The board may, by regulation, exempt a health care provider from the reporting obligation under this section, as to a physician who is in compliance with the requirements of a drug or alcohol program satisfactory to the board, or who has successfully concluded such a program subsequent to the actions or circumstances as to which reporting would otherwise be required.

Approved June 19, 1989.

Chapter 154. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF DUKES COUNTY TO BORROW MONEY FOR CERTAIN PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Dukes County are hereby authorized to spend such sums as may be necessary, not exceeding in the aggregate one hundred and thirty-five thousand dollars to purchase a truck, computer, computer program, telephone system, air conditioning and for water and sewer feasibility studies.

SECTION 2. For the purposes authorized in section one, the treasurer of said county, with the approval of the county commissioners and with the approval of the county advisory board, may borrow upon the credit of the county such sums as may be necessary, not exceeding in the aggregate, one hundred and thirty-five thousand dollars, and may issue bonds or notes of the county therefor which shall bear on their face the words, Dukes County Loan, Act of 1989. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than five years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved June 19, 1989.

Chapter 155. AN ACT REQUIRING CERTAIN DISCLOSURES TO MATERNITY PATIENTS BY ADMITTING HOSPITALS.

Be it enacted, etc., as follows:

Section 70E of chapter 111 of the General Laws is hereby amended by striking out the seventh paragraph, inserted by section 2 of chapter 480 of the acts of 1987, and inserting in place thereof the following paragraph:-

Every maternity patient, at the time of pre-admission, shall receive complete information from an admitting hospital on its annual rate of primary caesarian sections, annual rate of repeat caesarian sections, annual rate of total caesarian sections, annual percentage of women who have had a caesarian section who have had a subsequent successful vaginal birth, annual percentage of deliveries in birthing rooms and labor-delivery-recovery or labor-delivery-recovery-postpartum rooms, annual percentage of deliveries by certified nurse-midwives, annual percentage which were continuously externally monitored only, annual percentage which were continuously internally monitored only, annual percentage which were monitored both internally and externally, annual percentages utilizing intravenous, inductions, augmentation, forceps, episiotomies, spinals, epidurals and general anesthesia, and its annual percentage of women breast-feeding upon discharge from said hospital.

Approved June 19, 1989.

Chapter 156. **AN ACT DESIGNATING DONALD R. BARBER, ROSALIE A. BARBER AND BEVERLY JEAN PHILLIPS AS RESIDENTS OF THE TOWN OF CHESTER FOR A CERTAIN PERIOD OF TIME.**

Be it enacted, etc. as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Donald R. Barber, Rosalie A. Barber, husband and wife and Beverly Jean Phillips, during their lifetime and for so long as any of them retains ownership and continues to reside on the parcel, hereinafter described, located in the towns of Chester and Blandford, shall for all purposes be residents of the town of Chester with all rights and privileges of domicile in the town of Chester attached thereto.Said parcel is more particularly described by a deed to said Donald R. Barber and Rosalie A. Barber and recorded in the Hampden district registry of deeds, Book 6366, Page 359.

SECTION 2. Notwithstanding the provisions of section eleven of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the assessor of the town of Chester only shall assess the parcel described in section one and the town of Chester only shall provide said parcel, and Donald R. Barber, Rosalie A. Barber and Beverly Jean Phillips all municipal services provided to other parcels and residents of the town of Chester. The assessor of the town of Blandford and the town of Blandford shall have no obligations to assess or provide services to said parcel or individuals as long as the terms of this act continue in effect.

SECTION 3. Nothing in this act shall be construed to affect, alter or change the boundary line of said towns as presently established or as may be hereafter established pursuant to provisions of law.

SECTION 4. The provisions of sections one and two of this act shall cease to be operative on the last day of the fiscal year in which Donald R. Barber, Rosalie A. Barber and Beverly Jean Phillips sell or transfer their entire ownership of said parcel or when none of them occupies said parcel as their domicile, or on the death of Donald R. Barber, Rosalie A. Barber and Beverly Jean Phillips.

SECTION 5. This act shall take effect as of June thirteenth, nineteen hundred and sixty-nine.

Approved June 19, 1989.

Chapter 157. AN ACT FURTHER REGULATING FAIR CONSIDERATION FOR REAL PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate fair consideration for real 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 3 of chapter 109A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 8, the word "obtained." and inserting in place thereof the following words:- obtained, or

(c) When property is received pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of such property upon default under a mortgage, deed of trust or security agreement.

Approved June 21, 1989.

Chapter 158. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO BORROW A SUM OF MONEY FOR CAPITAL IMPROVEMENTS TO THE HEATING SYSTEM FOR THE QUADRANGLE BUILDINGS OPERATED BY THE SPRINGFIELD LIBRARY AND MUSEUMS ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby authorized to appropriate a sum of money, not exceeding in the aggregate seven hundred thousand dollars, for the purpose of remodeling, reconstructing and making

extraordinary repairs to the heating system for the Quadrangle buildings owned and operated by the Springfield Library and Museums Association, and for laying heat pipes and for making other improvements necessary to connect the Quadrangle buildings heating system to other municipal buildings. All such remodeling, reconstruction, and extraordinary repairs shall be designed and bid in accordance with all applicable public designer selection and bidding laws. For the purpose of meeting appropriations made pursuant to this section not met by transfers from available funds or otherwise, the city treasurer with the approval of said mayor is hereby authorized to borrow on behalf of the city from time to time such sums as may be necessary, not exceeding in the aggregate seven hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, City of Springfield Heating Loan, Act of 1989. Each issue shall constitute a separate loan, and such loans shall be paid within not more than ten years from their dates. Indebtedness incurred under the provisions of this act shall be subject to clause (3A) of section seven of chapter forty-four of the General Laws and other provisions of said chapter forty-four not inconsistent with this act. The city treasurer with the approval of the mayor may also make temporary loans under the provisions of section seventeen of chapter forty-four of the General Laws in anticipation of the proceeds of the bonds or notes authorized by this act.

SECTION 2. The order passed by the city council and approved by the mayor in December, nineteen hundred and eighty-eight authorizing a borrowing of seven hundred thousand dollars, for purposes set forth in section one of this act, is hereby validated, ratified and confirmed in all respects as if this act was in effect at the time.

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

Approved June 21, 1989.

Chapter 159. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF MASSACHUSETTS POLICE MEMORIAL DAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate May fifteenth as police memorial day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15III, inserted by chapter 91 of the acts of 1989, the following section:-

Section 15JJJ. The governor shall annually issue a proclamation setting apart May fifteenth as Massachusetts Police Memorial Day, to honor all police officers killed in the line of duty, and recommending that said day be observed in an appropriate manner by the people.

Approved June 21, 1989.

Chapter 160. **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 Barbara A. Dortch as she is a justice of the superior court department of the commonwealth, in the city of Newton, on June twenty-fourth, nineteen hundred and eighty-nine between Evelynne LaMarris Swagerty and Wilbur P. Edwards, Jr., both of the city of Cambridge and the state secretary shall issue to said Barbara A. Dortch in her capacity as aforesaid a certificate of such authorization.

Approved June 21, 1989.

Chapter 161. **AN ACT CLARIFYING PRESENTMENT OF CLAIMS AGAINST THE COMMONWEALTH.**

Be it enacted, etc., as follows:

The second paragraph of section 4 of chapter 258 of the General Laws, inserted by chapter 217 of the acts of 1988, is hereby amended by inserting after the word "selectmen", in line 6, the words:- ; provided, however, that in the case of the commonwealth, or any department, office, commission, committee, council, board, division, bureau, institution, agency or authority thereof, presentment of a claim pursuant to this section shall be deemed sufficient if presented to the attorney general.

Approved June 21, 1989.

Chapter 162. **AN ACT FURTHER REGULATING THE USE OF FORFEITED DRUG FUNDS AND PROPERTY.**

Be it enacted, etc., as follows:

Section 47 of chapter 94C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "fund", in line 108, the words:- and shall be expended without further appropriation upon request of such chief of police, commissioner or superintendent.

Approved June 21, 1989.

Chapter 163. AN ACT FURTHER REGULATING THE FINE FOR GROUNDING CERTAIN MARINE VESSELS.

Be it enacted, etc., as follows:

Section 49 of chapter 91 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "department, shall be punished by a fine of not less than fifty dollars nor more than five hundred" and inserting in place thereof the words:- division of waterways of the department of environmental management, shall be punished by a fine of not more than ten thousand.

Approved June 21, 1989.

Chapter 164. AN ACT FURTHER REGULATING TRANSIENT VENDORS.

Be it enacted, etc., as follows:

Chapter 101 of the General Laws is hereby amended by inserting after section 18 the following section:-

Section 18A. Food manufactured and packaged for sale for consumption by a child under the age of two years, or a drug as defined in section one of chapter ninety-four shall not be offered for sale or sold at a flea market, so-called.

Any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars for each item so offered for sale or sold.

Approved June 21, 1989.

Chapter 165. AN ACT FURTHER REGULATING THE INSURANCE BENEFITS AVAILABLE TO CERTAIN FORMER MEMBERS OF THE SCHOOL COMMITTEE OF THE CITY OF REVERE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, and solely for the purposes of determining whether a former member of the school committee of the city of Revere should be deemed a retired employee of said city for the purposes of chapter thirty-two B of the General Laws, any member or former member of the school committee of said city first elected thereto prior to January first, nineteen hundred and seventy-six shall be deemed to have established creditable service, pursuant to the provisions of chapter thirty-two of the General Laws, for any period of unpaid service as such a member.

Any such member or former member who would be eligible to receive a retirement allowance under said chapter thirty-two based on the total of such creditable service together with any actual creditable service earned by such member shall, for the purposes of said chapter thirty-two B, be deemed a retired employee of said city upon terminating his public employment.

Nothing in this act shall be construed to give any such person any rights or benefits under the provisions of said chapter thirty-two.

Approved June 21, 1989.

Chapter 166. AN ACT RELATIVE TO LABELING OF PLASTIC BOTTLES AND CONTAINERS.

Be it enacted, etc., as follows:

SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "Distributor" the following four definitions:-

"Label", a molded imprint or raised symbol on or near the bottom of a plastic product.

"Plastic", any material made of polymeric organic compounds and additives that can be shaped by flow.

"Plastic bottle", a plastic container that has a neck that is smaller than the body of the container, accepts a screwtype, snap cap or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons.

"Rigid plastic container", any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

SECTION 2. Said chapter 94 is hereby further amended by inserting after section 323, as so appearing, the following section:-

Section 323A. No person shall distribute, sell or offer for sale any plastic bottle or rigid plastic container, or any product in such a bottle or container, unless such product bottle or container is labeled with a code indicating the plastic resin used to produce the bottle or container. Plastic bottles or rigid plastic containers with labels and basecups of a different material shall be coded by their basic material. Such code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

(a) "1" - PETE (polyethylene terephthalate);
(b) "2" - HDPE (high density polyethylene);
(c) "3" - V (vinyl);
(d) "4" - LDPE (low density polyethylene);
(e) "5" - PP (polypropylene)
(f) "6" - PS (polystyrene);
(g) "7" - OTHER (includes multi-layer).

SECTION 3. Section 326 of said chapter 94, as so appearing, is hereby amended by adding the following paragraph:-

Said secretary shall determine through rules and regulations which plastic bottles and rigid plastic containers may be exempt from the labeling requirements of section three hundred and twenty-three A, including but not limited to the following:

(1) readily identifiable plastic bottles and rigid plastic containers;

(2) plastic bottles and rigid plastic containers for which there is no technological capability for recycling, reclamation or reuse; and

(3) plastic bottles and rigid plastic containers for which recycling, reclamation or reuse is not economically feasible.

SECTION 4. The provisions of this act shall take effect on July first, nineteen hundred and ninety-one.

Approved June 21, 1989.

Chapter 167. AN ACT AUTHORIZING THE STATE SECRETARY TO SOLEMNIZE 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 in said section thirty-nine, the solemnization of a marriage by Christopher J. Hodgkins of the town of Lee, in the city of Salem, on June twenty-fifth, nineteen hundred and eighty-nine between Dana Myra Rubin of the city of Boston and Richard Brian Sallee of the city of Boston, and the state secretary shall issue to said Christopher J. Hodgkins in his capacity as aforesaid a certificate of such authorization.

Approved June 23, 1989.

Chapter 168. AN ACT RELOCATING CERTAIN HARBOR LINES IN THE FAIRHAVEN AND NEW BEDFORD HARBORS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 80 of the acts of 1929, as most recently amended by section 1 of chapter 70 of the acts of 1987, is hereby further amended by striking out, in lines 23 and 24, inclusive, as appearing in said section 1 of said chapter 70 of the acts of 1987, the words "one thousand eight hundred forty-one and seventy-two one hundredths feet" and inserting in place thereof the words:- seven hundred thirty-two and twenty-four one hundredths feet to a point "E3" in latitude five thousand seven hundred three and five one hundredths feet north and longitude one thousand nine hundred twenty-one and four tenths feet west; thence south sixty-four degrees, twenty minutes, thirty-six seconds, west, true bearing, one thousand five hundred eighteen and five one hundredths feet to a point "PG" in latitude five thousand forty-five and seventy-seven one hundredths feet north and longitude three thousand two hundred eighty-nine and seventy-eight one hundredths feetwest; thence north forty-one degrees, ten minutes, forty-seven seconds west, true bearing, four hundred sixty-four and four tenths to a point "PF" in latitude five thousand three hundred ninety-five and three tenths feet north and longitude

three thousand five hundred ninety-five and fifty-five one hundredths feet west; said point "PF" being located south forty-one degrees, ten minutes, forty-seven seconds east, true bearing, three hundred fifteen and two tenths feet from "Mark 21" on the southerly side of the New Bedford and Fairhaven bridge near the westerly side of Popes Island; thence north forty-one degrees, fifty-six minutes, forty-one seconds west, true bearing, one thousand thirty-seven and six tenths feet to a point "PE" in latitude six thousand one hundred sixty-seven and six one hundredths feet north and longitude four thousand two hundred eighty-nine and one tenths feet west, said point "PE" being located south twenty-seven degrees, seven minutes, forty-seven seconds west, true bearing, four hundred seventy-three and seventy-six one hundredths feet from "Mark 20" near the northerly end of Popes Island; thence north fifteen degrees, thirty-four minutes, eight seconds east, true bearing, one thousand ninety-two and eighty-seven one hundredths feet to a point "PD" in latitude seven thousand two hundred nineteen and eighty-three one hundredths feet north and longitude three thousand nine hundred ninety-five and seventy-eight one hundredths feet west, said point "PD" being located north six degrees, fifty-eight minutes, fifty-two seconds east, true bearing, six hundred thirty-five and eighty-four hundredths feet from aforesaid "Mark 20"; thence north eighty-three degrees, forty-three minutes, nineteen seconds east, true bearing, five hundred ten and eighty-three one hundredths feet to a point "PC" in latitude seven thousand two hundred seventy-five and sixty-nine one hundredths feet north and longitude three thousand four hundred eighty-eight and one one hundredth feet west, said point "PC" being north forty degrees, twenty-five minutes, five seconds east, true bearing, nine hundred two and thirty-five one hundredths feet from aforesaid "Mark 20"; thence south forty-six degrees, sixteen seconds, forty-one seconds east, true bearing, one thousand four hundred thirty-four and sixty-six one hundredths feet to point "PB" in latitude six thousand two hundred eighty-four and eleven one hundredths feet north and longitude two thousand four hundred fifty-one and eighteen one hundredths feet west; said point "PB" being located north fourteen degrees, fifty-one minutes, fifty-five seconds west, true bearing, seventy and four tenths feet from "Mark 19" on the southerly side of the New Bedford and Fairhaven bridge near the east end of Popes Island; thence north seventy-three degrees, twenty-three minutes, nineteen seconds east, true bearing, three hundred ninety-six and forty-two one hundredths feet to a point "F2" in latitude six thousand three hundred ninety-seven and forty-three feet north and longitude two thousand seventy-one and thirty-one one hundredths feet west; thence north twelve degrees, ten minutes, fifty-seven seconds west, true bearing, three hundred ninety-nine and nine one hundredths feet.

SECTION 2. Said section 1 of said chapter 80, as so appearing, is hereby further amended by striking out the fifth paragraph.

SECTION 3. The metes and bounds inserted by section one, being a relocation of the harbor lines on the easterly side of the Acushnet River and encompassing Popes Island in Fairhaven and New Bedford Harbors between harbor line points "E" and "G" as shown on a plan dated March 1, 1989, drafted by Braman Engineering Co., Ltd., Civil Engineers and Surveyors, 258 A-1 Main St., Buzzards Bay, MA 02532, shall be filed with the division of waterways within the department of environmental management and with the engineer of the town of Fairhaven and the engineer of the city of New Bedford.

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

Approved June 27, 1989.

Chapter 169. **AN ACT RELATIVE TO THE DAY CARE CENTER IN THE McCORMACK STATE OFFICE BUILDING.**

Be it enacted, etc., as follows:

Item 1102-3210 of section 2 of chapter 164 of the acts of 1988 is hereby amended by striking out item 1102-3210 and inserting in place thereof the following item:-

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; 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 $10,226,387

Approved June 27, 1989.

Chapter 170. **AN ACT FURTHER REGULATING THE ISSUANCE OF CERTAIN ACCIDENT AND SICKNESS INSURANCE PROVIDING COVERAGE OF MEDICALLY NECESSARY DIAGNOSIS AND TREATMENT OF INFERTILITY.**

Be it enacted, etc., as follows:

Section 47H of chapter 175 of the General Laws, inserted by section 1 of chapter 394 of the acts of 1987, is hereby amended by inserting after the word "infertility", in line 20, the words:- to persons residing within the commonwealth.

Approved June 27, 1989.

Chapter 171. **AN ACT RELATIVE TO THE REMOVAL OF ASBESTOS FROM MUNICIPAL BUILDINGS.**

Be it enacted, etc., as follows:

Section 7 of chapter 44 of the General Laws, as most recently amended by section 13 of chapter 584 of the acts of 1987, is hereby further amended by adding the following clause:-

(31) For the purpose of removing asbestos from municipally owned buildings; ten years.

Approved June 27, 1989.

Chapter 172. **AN ACT INCREASING THE AVAILABILITY OF MEDEX INSURANCE COVERAGE.**

Be it enacted, etc., as follows:

SECTION 1. Section 1A of chapter 176A of the General Laws, as amended by section 1 of chapter 621 of the acts of 1987, is hereby further amended by adding the following paragraph:-

Any person who is eligible for Medicare coverage for both hospital and physician services due to age or disability, other than end-stage renal disease, shall be eligible for supplemental coverage to Medicare ninety days before and after the month of such person's Medicare effective date or of the month of such person's loss of group or individual health coverage resulting from such person's retirement. Such supplemental coverage shall be effective no earlier than the effective date of Medicare coverage.

SECTION 2. Chapter 176B of the General Laws is hereby amended by inserting after section 7 the following section:-

Section 7A. Any person who is eligible for Medicare coverage for both hospital and physician service due to age or disability, other than end-stage renal disease, shall be eligible for supplemental coverage to Medicare ninety days before and after the month of such person's Medicare effective date or of the month of loss of group or individual health coverage resulting from such person's retirement. Such supplemental coverage shall be effective no earlier than the effective date of Medicare coverage.

Approved June 27, 1989.

Chapter 173. **AN ACT RELATIVE TO POSTING NOTICES OF EXAMINATIONS.**

Be it enacted, etc., as follows:

Section 18 of chapter 31 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The administrator shall prepare notices of all examinations for original appointment to the official service and shall send such notices to the clerks of those cities and towns where persons are domiciled who may be eligible to apply to take such examinations. The clerks shall cause a minimum of five such notices to be posted in the city and town halls and in other conspicuous places for at least three weeks prior to the final day for the filing of applications for the examination or, if no such final day for filing is indicted, as directed by the administrator. The clerks of such cities and towns shall submit an annual report to the administrator certifying that all such notices have been posted pursuant to the requirements of this section. The administrator shall determine when such annual report shall be submitted and the specific information it shall contain concerning the time and place of posting of notices.

Approved June 27, 1989.

Chapter 174. **AN ACT RELATIVE TO PROMOTIONAL PUBLIC SAFETY EXAMINATIONS.**

Be it enacted, etc., as follows:

Section 59 of chapter 31 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:-

An examination for a promotional appointment to any title in a police or fire force shall be open only to permanent employees in the next lower title in such force, except that if the number of such employees, or the number of applicants eligible for the examination is less than four, the examination shall be opened to permanent employees in the next lower titles in succession in such force until either four such eligible employees have applied for examination or until the examination is open to all permanent employees in lower titles in such force; provided, however, that no such examination shall be open to any person who has not been employed in such force for at least one year after certification in the lower title or titles to which the examination is open; and provided, further, that no such examination for the first title above the lowest title in the police or fire force of a city or town with a population in excess of fifty thousand shall be open to any person who has not been employed in such force in such lowest title for at least three years after certification.

Approved June 27, 1989.

Chapter 175. **AN ACT RELATIVE TO INTERMITTENT OR RESERVE POLICE OR FIRE FORCES.**

Be it enacted, etc., as follows:

Section 60 of chapter 31 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:-

In any city or town having an intermittent or reserve police or fire force to which the civil service law and rules are applicable, original appointments to the lowest title in the regular police or fire force shall be made from among the permanent members of such intermittent or reserve police or fire force, as the case may be, whose names are certified by the administrator to the appointing authority. Names of such members shall be listed on the certification in the order of their civil service appointments to such intermittent or reserve police or fire force, or, if such order is not ascertainable, in the order provided by the appointing authority at the time of their appointments to such intermittent or reserve police or fire force; provided, however, that in a city or town having both an intermittent police force and a reserve police force, or an intermittent fire force and a reserve fire force, permanent members of such intermittent police force or such intermittent fire force shall, for the purposes of certification and appointment to the regular police force or the regular fire force pursuant to this section, be deemed to be members of the reserve police force or the reserve fire force of such city or town.

Approved June 27, 1989.

Chapter 176. **AN ACT RELATIVE TO THE TRANSPORTATION OF CERTAIN SCHOOL PUPILS.**

Be it enacted, etc., as follows:

Section 7D of chapter 90 of the General Laws is hereby amended by adding the following paragraph:-

The provisions of this section shall not apply to individuals and vehicles used to transport not more than eight students to athletic or extracurricular activities and events.

Approved June 27, 1989.

Chapter 177. **AN ACT REQUIRING THE RECITAL OF AN ADDRESS BY A MORTGAGEE AND AN ASSIGNEE OF A MORTGAGE.**

Be it enacted, etc., as follows:

Chapter 183 of the General Laws is hereby amended by inserting after section 6B the following section:-

Section 6C. Every mortgage and assignment of a mortgage presented for record shall contain or have endorsed upon it the residence and post office address of the mortgagee or assignee if said mortgagee or assignee is a natural person, or a business address, mail address or post office address of the mortgagee or assignee if the mortgagee or assignee is not a natural person. Such endorsement shall be recorded as part of the mortgage or assignment of a mortgage. Failure to comply with this section shall not affect the validity of any mortgage or assignment of a mortgage or the recording thereof. No register of deeds shall accept a mortgage or assignment of a mortgage for recording unless it is in compliance with the requirements of this section.

Approved June 27, 1989.

Chapter 178. **AN ACT FURTHER REGULATING HIGH SCHOOL VOTER-REGISTRATION.**

Be it enacted, etc., as follows:

Section 42E of chapter 51 of the General Laws, as amended by section 1 of chapter 438 of the acts of 1987, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:-

The principal or headmaster of every public or private high school or vocational school shall submit to the board of registrars of voters of the city or town in which the school is located the names of at least three school employees who are registered voters in the commonwealth, to serve as assistant registrars of voters for the purposes of this section.

Approved June 27, 1989.

Chapter 179. **AN ACT ESTABLISHING A MEMORIAL TO CERTAIN MASSACHUSETTS MEN WHO LOST THEIR LIVES WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES.**

Be it enacted, etc., as follows:

The metropolitan district commission shall approve a site between the Charles river and Memorial drive near a pedestrian walkway to erect a suitable memorial marker to the nine Massachusetts men who lost their lives in the October twenty-third, nineteen hundred and eighty-three bombing of the United States Marine Corps Battalion Landing Team Headquarters in Beirut, Lebanon and the Massachusetts man who lost his life as a Green Beret during a helicopter mission in Grenada.

The cost of erecting this memorial shall be paid for with private funds.

Approved June 27, 1989.

Chapter 180. **AN ACT AUTHORIZING THE TOWN OF COHASSET TO ESTABLISH A CERTAIN REVOLVING FUND.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Cohasset is hereby authorized to establish a separate fund which shall be kept separate and apart from all other funds of said town by the treasurer and in which shall be deposited all monies received by said town from septage haulers permit fees. Such funds and interest thereon shall be expended without further appropriation, under the direction of the board of health, for charges by the Upper Black Water Pollution Abatement District for the disposal of septage from said town.

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

Approved June 28, 1989.

Chapter 181. **AN ACT RELATIVE TO FINANCE CHARGES UNDER OPEN-END CREDIT PLANS.**

Be it enacted, etc., as follows:

Section 114B of chapter 140 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:- Notwithstanding the provisions of sections ninety A, one hundred, and one hundred and fourteen A, a creditor may charge a daily, monthly or other periodic rate of finance charge on loans made pursuant to any open-end credit plan as defined by section one of chapter one hundred and forty D, equivalent to but not in excess of eighteen percent determined in accordance with paragraph (2) of subsection (a) of section five

of said chapter one hundred and forty D; provided, however, that no finance or other charge shall begin to accrue until the date upon which payment has been made by the creditor on any transaction under any such open-end credit plan; and, provided further, that if the index rate for any calendar quarter, as hereinafter determined, exceeds eighteen percent, the creditor may, during such calendar quarter, charge such daily, monthly or other periodic rate or rates as may be established by such creditor.

Approved June 28, 1989.

Chapter 182. **AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY 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 one hundred ninety-nine million six hundred and thirty-five thousand dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and ninety to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and ninety 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 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 ninety 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 June 29, 1989.

Chapter 183. **AN ACT RELATIVE TO REGIONAL ASH MONOFILLS AND RESOURCE RECOVERY FACILITIES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide financial assistance to relieve the fiscal impact of a temporary shutdown at the resource recovery facility in the town of Saugus for the installation of acid gas scrubbers, 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 48A of chapter 584 of the acts of 1987 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Resource recovery facilities and other solid waste incinerators operating prior to January first, nineteen hundred and seventy-seven shall, no later than December thirty-first, nineteen hundred and ninety, operate with acid gas scrubbers or such other technology providing equal or greater protection to the public health and environment, as determined by the department.

SECTION 2. Said chapter 584 is hereby further amended by striking out section 21, as amended by section 55 of chapter 208 of the acts of 1988 and inserting in place thereof the following section:-

Section 21. (a) The department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed ninety-four 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.

(b) The secretary of administration and finance is hereby authorized and directed, in furtherance of his responsibilities pursuant to section forty-nine of chapter five hundred and eighty-four of the acts of nineteen hundred and eighty-seven, to make available grants to cities and towns served by the RESCO resource recovery facility in the town of Saugus, for the purpose of mitigating the financial impact on said cities and towns of funding temporary alternative methods of disposal for solid waste customarily processed at the RESCO facility, which waste will become a municipal disposal obligation during the period that the RESCO facility will cease processing operations to install acid gas scrubbers and related equipment to comply with the provisions of section forty-eight A of chapter five hundred and eighty-four of the acts of nineteen hundred and eighty-seven. The authorization to said secretary shall not exceed in the aggregate the sum of six million dollars.

Approved June 29, 1989.

Chapter 184. AN ACT AUTHORIZING CERTAIN MUNICIPAL LIGHT COMPANIES TO PURCHASE OIL AND OTHER FUEL SUPPLIES WITHOUT BIDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize certain purchases of oil and other fuel supplies without bids, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 234 of the acts of 1985, as most recently amended by chapter 137 of the acts of 1987, is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. This act shall be inoperative on July first, nineteen hundred and ninety-one.

Approved June 29, 1989.

Chapter 185. **AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF METHUEN TO GRANT A CERTAIN EASEMENT.**

Be it enacted, etc., as follows:

SECTION 1. The city known as the town of Methuen, acting by and through its town manager, and upon approval of its town council, is hereby authorized to grant an easement in a certain parcel of land to the Development and Marketing Group, a Massachusetts limited partnership, and to its successors or assigns, for all purposes of or relating to street access and landscaping, including, without limitation, the right to pass and re-pass on foot or in vehicle and the right to construct, repair and maintain said easement, including the usual utilities about and within said easement.

Said parcel is described as being Lots 464 to 469, inclusive, as shown on Plan entitled "Country Club, Methuen, MA, Fred C. Tobey Land Co., dated December 1911", recorded in the northern district registry of deeds in the county of Essex as Plan No. 121.

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

Approved June 29, 1989.

Chapter 186. **AN ACT DESIGNATING A CERTAIN BUILDING IN THE MONSON DEVELOPMENTAL CENTER IN THE TOWN OF MONSON AS THE PARENTS AND FRIENDS PROGRAM CENTER.**

Be it enacted, etc., as follows:

The building currently known as the Program Center located in the Monson Developmental Center in the town of Monson, under the control of the department of mental retardation, is hereby designated as the Parents and Friends Program Center.

Approved June 29, 1989.

Chapter 187. **AN ACT REQUIRING VETERINARIANS TO NOTIFY CITY AND TOWN CLERKS OF THE VACCINATION OF DOGS AGAINST RABIES.**

Be it enacted, etc., as follows:

The first paragraph of section 145B of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- A copy of such a veterinarian's certification shall be sent by the licensed veterinarian who so vaccinated the dog, within thirty days of such vaccination, to the city or town clerk wherein such owner or keeper resides.

Approved June 29, 1989.

Chapter 188. **AN ACT EXTENDING THE ONE TRIAL SYSTEM FOR CRIMINAL CASES IN ESSEX AND HAMPDEN COUNTIES FOR A TWO YEAR PERIOD.**

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 537 of the acts of 1986 is hereby amended by striking out, in line 3, the word "two" and inserting in place thereof the following word:- four.

SECTION 2. Section 27 of said chapter 537 is hereby amended by striking out, in line 3, the word "eighty-nine" and inserting in place thereof the following word:- ninety-one.

SECTION 3. Section 28 of said chapter 537 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief administrative justice for the district court department of the trial court, in consultation with the district attorneys for Essex and Hampden counties and the committee for public counsel services, shall prepare and file with the clerks of the senate and house of representatives and the house committee on ways and means, an initial report on the implementation of this act, on or before January first, nineteen hundred and eighty-eight; interim reports on said implementation, on or before January first, nineteen hundred and eighty-nine, January first, nineteen hundred and ninety and January first, nineteen hundred and ninety-one; and a final report on said implementation, on or before January first, nineteen hundred and ninety-two.

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

Approved June 30, 1989.

Chapter 189. **AN ACT RELATIVE TO RESIDENCY REQUIREMENTS FOR EMPLOYEES OF THE CITY OF LAWRENCE.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 425 of the acts of 1983 is hereby amended by striking out subsection 10.8 and inserting in place thereof the following subsection:-

10.8 City Residence Required

Every person who is appointed to a city office, or who is employed by the city in any capacity, after January first, nineteen hundred and eighty-six, not a resident of the city at the time of such appointment or employment shall within two years following such appointment or employment, establish such residence as principal domicile; or such appointment or employment shall be forfeited; provided, however, that employees subject to tenure under the jurisdiction of the school committee shall not be required to establish a principal domicile until one year after they have attained tenure except as otherwise provided by the General Laws. The provisions of this section shall not apply to any person who was appointed by or in the employ of the city prior to January second, nineteen hundred and eighty-six and who has continuously served in such appointment or employment thereafter.

SECTION 2. Subsection 11.7 of said section 1 of said chapter 425 is hereby amended by striking out paragraph (h).

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

Approved June 30, 1989.

Chapter 190. AN ACT ESTABLISHING THE FRANKLIN COUNTY SOLID WASTE MANAGEMENT DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The Franklin County Solid Waste Management District, consisting of the towns of Bernardston, Buckland, Charlemont, Colrain, Deerfield, Erving, Gill, Greenfield, Hawley, Leyden, Montague, New Salem, Northfield, Orange, Rowe, Shelburne, Sunderland, Warwick, Wendell, and Whately is hereby constituted and continued as a body politic and corporate known as the Franklin County Solid Waste Management District under the provisions of sections forty-four A to forty-four L, inclusive, of chapter forty of the General Laws with the powers provided therein and the provisions of the agreement between said towns notwithstanding any failure to comply with the provisions of said chapter forty with respect to the adoption, approval, execution or delivery of said agreement.

SECTION 2. The Franklin County Solid Waste Management District shall be subject to the provisions of section twenty A of chapter fifty-nine of the General Laws; provided, however that the limitation therein may be exceeded by a two-thirds vote of the district's governing board followed by approval by a two-thirds vote by the boards of selectmen in at least two-thirds of the member towns of said district. Each such member town's apportioned share of principal and interest on bonds, notes or certificates of indebtedness issued by the Franklin County Solid Waste Management District shall be exempt from the provisions of section twenty-one C of said chapter fifty-nine.

Emergency Letter: July 18, 1989 @ 3:40 P.M. Approved June 30, 1989.

Chapter 191. AN ACT RESTRICTING THE APPOINTMENT OF AGENTS OF THE NEW ENGLAND ANTI-VIVISECTION SOCIETY AS SPECIAL POLICE.

Be it enacted, etc., as follows:

Section 10 of chapter 147 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words ", the New England Anti-Vivisection Society".

Approved June 30, 1989.

Chapter 192. AN ACT RELATIVE TO THE RIGHTS OF DETECTIVES IN CERTAIN CITIES TO A FAIR HEARING.

Be it enacted, etc., as follows:

Section 4H of chapter 7 of the General Laws, as amended by section 21 of chapter 23 of the acts of 1988, is hereby further amended by adding the following paragraph:-

Detectives, in a city which employs more than three hundred and fifty police officers and where the detectives employed in the police department of said city are entitled to a hearing, other than one provided under chapter thirty-one, concerning their transfer from the rank of detective, shall be entitled to a hearing before an administrative magistrate of the division of administrative law appeals, to determine whether said transfer is for just cause.

Approved June 30, 1989.

Chapter 193. AN ACT RELATIVE TO THE DEEDS EXCISE TAX.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 14 of chapter 34 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "it", in line 16, the words:- ; provided, however, that the sale of any county owned real estate customarily used by the county or sheriff for the housing of prisoners, including any jail, house of correction, or other such facility shall be made at fair market value and the net proceeds of any such sale shall be used for the construction of new jails, jail additions or temporary jail facilities, to reimburse the commonwealth for expenditures for such purposes or to reimburse the commonwealth for loans made to a county for the purpose of maintaining and operating the county.

SECTION 2. Section 1 of chapter 64D of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- There shall be levied, collected and paid, for and in respect of the deeds, instruments and writings hereinafter mentioned and described, or for or in respect of the vellum, parchment or paper upon which such deeds, instruments or writings, or any of them are written or printed, the excise taxes herein specified:- Deed, instrument or writing, whereby any lands, tenements or other realty sold shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her or their direction, when the consideration of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, exceeds one hundred dollars and does not exceed five hundred dollars, two dollars; and for each additional five hundred dollars or fractional part thereof, two dollars; provided, however, that in Barnstable county, the excise tax herein specified shall be one dollar and fifty cents for each five hundred dollars or fractional part of said consideration, excluding a consideration of between zero and one hundred dollars. Notwithstanding any other provisions of this section or any other general or special law to the contrary, Nantucket county may disburse and expend deposits in said Funds for the purpose of facilities and programs related to law enforcement, including the planning, improving or constructing of police stations and other related facilities and programs.

SECTION 3. Said section 1 of said chapter 64D is hereby further amended

by striking out the first sentence, as amended by section 2 of this act, and inserting in place thereof the following sentence:- There shall be levied, collected and paid, for and in respect of the deeds, instruments and writings hereinafter mentioned and described, or for or in respect of the vellum, parchment or paper upon which such deeds, instruments or writings, or any of them, are written or printed, the excise taxes herein specified:- Deed, instrument or writing, whereby any lands, tenements or other realty sold shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her or their direction, when the consideration of the interest or property conveyed exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars, one dollar, and for each additional five hundred dollars or fractional part thereof, one dollar.

SECTION 4. Said section 1 of said chapter 64D, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 15, the word "or", the second time it appears, and inserting in place thereof the words:- , a city or town of the commonwealth, or.

SECTION 5. Said chapter 64D is hereby further amended by adding the following three sections:-

Section 11. There shall be established upon the books of each county a separate fund, maintained separate and apart from all other funds and accounts of each county, to be known in each case as the Deed's Excise Fund.

Notwithstanding any contrary provisions of this chapter or any other general or special law to the contrary, and except for Barnstable county, on the first day of each month, forty-two and one-half percent of the taxes collected pursuant to the provisions of this chapter shall be transmitted to the Deed's Excise Fund for each county. For Barnstable county, on the first day of each month, twenty-eight and one-third percent of the taxes collected pursuant to the provisions of this chapter, but not including the additional excise authorized under the provisions of section two of chapter one hundred and sixty-three of the acts of nineteen hundred and eighty-eight, shall be transmitted to the Deed's Excise Fund. Notwithstanding any contrary provisions of this chapter or any other general or special law to the contrary, and except for Barnstable county, on the first day of each month, seven and one-half percent of the taxes collected pursuant to the provisions of this chapter shall be transmitted to the County Correction Fund established in section thirteen. For Barnstable county, on the first day of each month, five percent of the taxes collected pursuant to the provisions of this chapter, but not including the additional excise authorized under the provisions of section two of chapter one hundred and sixty-three of the acts of nineteen hundred and eighty-eight, shall be transmitted to said County Correction Fund. The remaining percentage of taxes collected under the provisions of this chapter shall be transmitted to and retained by the commonwealth in accordance with the provisions of section ten. No revenue shall be deposited in the Deed's Excise Fund for each county or in the County Correction Fund from revenues derived from excise taxes imposed pursuant to the provisions of this chapter on or before the thirtieth of June, nineteen hundred and eighty-nine, or on or after the first of July, nineteen hundred and ninety-two.

Section 12. There shall be established within the executive office for administration and finance a county government finance review board, hereinafter referred to as the "board", consisting of the secretary for

administration and finance or his designee, the commissioner of revenue or his designee, and the secretary of human services or his designee. The secretary for administration and finance shall serve as chairperson of the board.

Notwithstanding the provisions of any general or special law or county charter to the contrary, no annual or supplementary budget of any county shall take effect until reviewed and approved by the board.

With the exception of Barnstable county, the board shall not approve any budget of any county unless it is satisfied:

(1) that the estimates of revenue are reasonable and that adequate funding has been provided for all necessary county expenditures;

(2) that of the amounts deposited in the Deed's Excise Fund for each county from revenues derived under the provisions of this chapter after providing from such fund for the cost of meeting county loan obligations incurred for the purpose of operating and maintaining the county in fiscal year nineteen hundred and eighty-nine, (a) not less than seventy-five percent of the deposits is to be disbursed and expended for the operation and maintenance of the county jails and houses of correction, including other statutorily authorized facilities and functions of the office of the sheriff; provided, however, that in Suffolk county, in fiscal year nineteen hundred and ninety, the entire seventy-five percent share of the deposits is to be disbursed and expended for the operations of the office of the sheriff and the Suffolk county jail, and that in fiscal years nineteen hundred and ninety-one and nineteen hundred and ninety-two, the seventy-five percent share of the deposits is to be disbursed and expended for
(i) the operations of the office of the sheriff and the Suffolk county jail and (ii) the operations of the Suffolk County House of Correction and the operations of the penal commissioner for the city of Boston in a proportion to be determined by the secretary for administration and finance; (b) not more than fifteen percent is to be disbursed and expended for meeting the costs of the operation and maintenance of the county; and, (c) not more than ten percent is to be disbursed and expended for the automation, modernization and operation of the registries of deeds of the various counties; and,

(3) that with respect to funds appropriated for the purposes designated in subclauses (a) and (c) of clause (2) and which are not dedicated to the Deed's Excise Fund in each county under the provisions of section eleven, the submitted proposed budget shall provide a continuing amount of expenditure of not less than one hundred two and one-half percent of the amount expended for each such purpose in the preceding fiscal year.

In the case of Barnstable county, the board shall not approve any budget unless it is satisfied (1) that the estimates of revenue are reasonable and that adequate funding has been provided for all necessary county expenditures; (2) that of the amounts deposited in the Deed's Excise Fund for Barnstable county from revenues derived under the provisions of this chapter, one hundred percent of the deposits is to be disbursed and expended for the operation and maintenance of the county jails and houses of correction, including other statutorily authorized facilities and functions of the office of the sheriff; and (3) that with respect to funds appropriated for the purpose designated in clause (2), the submitted proposed budget shall provide a continuing amount of expenditure of not less than one hundred two and one-half percent of the amount expended for such purpose in the preceding fiscal year.

If a proposed budget is disapproved by the board, the county

commissioners or any successor body shall, with the approval of the county advisory board, if applicable, and within thirty days of notification of disapproval of the proposed budget, resubmit a revised proposed budget to the board, which addresses the board's concerns.

Within thirty days of the effective date of this act the board shall develop guidelines for implementing the provisions of this section.

Notwithstanding the provision of any general or special law or county charter to the contrary, no annual or supplementary budget of any county shall take effect for the fiscal year beginning on July first, nineteen hundred and eighty-nine until reviewed and approved by

the board. If a county budget has not received final approval by the board before July first, nineteen hundred and eighty-nine, the county may incur liability for general maintenance and operation in accordance with the provisions of section thirty-four of chapter thirty-five.

Section 13. There is hereby established on the books of the commonwealth a separate fund, to be known as the County Correction Fund. Said fund shall be maintained separate and apart from all other funds and accounts of the commonwealth. Moneys from said fund shall primarily be used for the operation and maintenance of any jail or house of correction in a county, including other statutorily authorized facilities and functions of the office of the sheriff and programs to reduce overcrowding in the jails and houses of correction.

In order to obtain money from said fund, the sheriff of a county or, in the case of Hampshire county, the county commissioners, shall make application to the county government finance review board on a form prescribed by the commissioner of administration and finance. Each such request shall be accompanied by copies of the budget for any jail or house of correction in such county for the current fiscal year and the previous fiscal year. The sheriff shall submit such other information and documentation as the board may require. The board shall review all of the information provided by a county sheriff and make a determination as to the amount of money, if any, which shall be given to the applicant from the fund; provided, however, that before any funds are given to the applicant written approval shall be obtained from the House and Senate committees on ways and means.

Within thirty days of the effective date of this act, the board shall develop guidelines for implementing the provisions of this section. The board shall include among such guidelines a requirement that during a fiscal year in which money is granted to a county from the fund, a county shall expend for the operation and maintenance of the county jails and houses of correction, including other statutorily authorized facilities and functions of the office of the sheriff and programs to reduce overcrowding in the jails and houses of correction, an amount not less than one hundred and two and one-half percent of the amount expended for such purposes from tax revenues levied pursuant to sections thirty and thirty-one of chapter thirty-five in the preceding fiscal year. Any funds remaining in the county fund at the end of fiscal year nineteen hundred and ninety-one shall revert to the General Fund.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, the following counties are hereby authorized to borrow, at one time or from time to time, but before July thirty-first, nineteen hundred and eighty-nine sums up to the following aggregate amounts, for a term not to exceed three years, for the purpose of maintaining and operating the county in fiscal

year nineteen hundred and eighty-nine:

Bristol county, one million one hundred thousand dollars;

Hampden county, five million dollars;

Hampshire county, one million eight hundred thousand dollars;

Plymouth county, one million six hundred thousand dollars;

Worcester county, two million dollars;

Essex county, a sum subject to approval by the commissioner of revenue.

SECTION 7. On or before January first, nineteen hundred and ninety, each county shall submit a report describing the county's plan for alleviating jail and house of correction overcrowding. The secretary of administration and finance shall in consultation with the secretary of human services develop and disseminate guidelines for this report to each sheriff. Said plan shall describe current and proposed maximum, medium, minimum and pre-release security levels and nonincarcerative supervisory practices within the county. Said plan shall be developed jointly by a county's overcrowding task force, representing the sheriff's department, courts, district attorneys, law enforcement agencies, probation, parole, defense bar, and related substance abuse treatment, educational and social service agencies. Said plan shall be submitted by the county's sheriff to the secretary of administration and finance, the secretary of human services, and the house and senate committees on ways and means.

SECTION 8. On or before January first, nineteen hundred and ninety, the sheriff of each county shall submit a report describing the county's personnel system for its correctional facilities. The secretary of administration and finance shall in consultation with the secretary of human services and the commissioner of the department of personnel and administration develop and disseminate guidelines for this report to each sheriff. Said report shall include, but not be limited to a description of the county's personnel policies including collective bargaining procedures, hiring practices, job specifications, position scheduling and employee benefits, including salary levels of each job classification. Said report shall be submitted by the county's sheriff to the secretary of administration and finance, the secretary of the executive office of human services and the house and senate committees on ways and means and to the joint committee on public service.

SECTION 9. There is hereby established a special committee to consist of three members of the senate and four members of the house of representatives for the purpose of making an investigation and study relative to the future of the agricultural school maintained by Bristol county. Said committee shall report the results of its investigation and study together with drafts of legislation necessary to carry out its recommendations, if any, by filing the same with the clerk of the senate not later than the first Wednesday of December, nineteen hundred and eighty-nine.

SECTION 10. The joint committee on counties is hereby authorized and directed to study the feasibility of state takeover of all essential and necessary functions and services presently provided by county government. Said committee shall submit a report of its findings with the house and senate clerks on or before June thirtieth, nineteen hundred and ninety.

SECTION 11. The provisions of section two shall take effect on July first, nineteen hundred and eighty-nine. The provisions of section three shall take effect on July first, nineteen hundred and ninety-two. The provisions of section twelve of chapter sixty-four D, inserted by section five, shall take effect on July

first, nineteen hundred and eighty-nine.

SECTION 12. The provisions of section five of this act shall expire on June thirtieth, nineteen hundred and ninety-two.

Emergency Letter: June 30, 1989 @ 6:06 P.M. Approved June 30, 1989.

Chapter 194. AN ACT RELATIVE TO VOTER REGISTRATION FOR NEW CITIZENS.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 50, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 50. Any legal resident of the commonwealth who was included in the definition of "Specially qualified voter" in section one hundred and three B of chapter fifty-four throughout the seven days immediately preceding the final time for registration under section twenty-six, or who becomes a citizen of the United States after the final time for registration under said section twenty-six, may appear before a registrar or assistant registrar of voters of the city or town of his legal residence, during regular business hours of any day following the final day for registration before a primary or election, as fixed by said section twenty-six, and, in accordance with this chapter, register as a voter; provided, however, that he so appears prior to four o'clock post meridiem on the day preceding a primary, preliminary election or election.

Approved June 30, 1989.

Chapter 195. AN ACT FURTHER REGULATING THE ASSESSMENT OF MACHINERY EMPLOYED IN THE TRANSPORTATION AND CARRIAGE OF GOODS.

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after clause Second the following clause:-

Second A, For the purposes of this clause the following words shall have the following meanings:-

"Situated", repeated and regular use of a machine or type of machinery in a city or town in the conduct of the corporation's business. If machinery is regularly used in a city or town as of January first, it shall be deemed situated in that city or town regardless of its physical location on January first.

"Fair cash value", the machinery's actual fair cash value or, in the case of machinery which is part of a larger fleet of substantially similar machinery, the average fair cash value of the machines in that portion of the fleet physically located in a city or town during the year.

"Fairly apportioned", allocated so as to reflect only the amount of time during which property was physically located in a city or town, according to records kept by the corporation in the regular course of its business.

Any machinery used in the conduct of its business, and owned or in the possession of a domestic business or foreign corporation, as defined in section thirty of chapter sixty-three, which machinery is designed or used for the transportation of persons or goods within the commonwealth or interstate, including but not limited to: aircraft frames, aircraft engines, and aircraft avionics, shall be assessed as provided by this clause.

The assessed value of such machinery shall be its fair cash value fairly apportioned. Such apportionment shall be determined, for each type of machinery used in the city or town, by multiplying the fair cash value of such machinery by a figure representing the percentage of time the machinery or substantially similar machinery was physically located in a city or town during the year. Said figure may be based on one or more representative periods, to be at least one week each, which fairly reflect the typical amount of time each type of machinery is physically located in a city or town during that year.

The commissioner may issue regulations and guidelines for the assessment of such machinery which shall ensure that no tax shall be unfair, unreasonable or a burden on interstate commerce. Said guidelines may classify such machinery according to its type or the nature of its use, determine the basis for depreciation, set a maximum limit on the amount of time any machine or type of machine shall be considered in a city or town, or otherwise regulate the assessment and taxation of such machinery consistent with the purposes of this clause.

The provisions of this clause shall not be applicable to the property of foreign corporations chartered outside of the United States, nor to machinery the assessment of which is specifically provided for elsewhere in the General Laws or which is made exempt from the provisions of this clause by section forty-nine of chapter ninety.

SECTION 2. In the year in which the provisions of section one of this act are first exercised, the commissioner of revenue shall consider such property as subject to taxation for the first time for the purposes of paragraph (f) of section twenty-one C of chapter fifty-nine of the General Laws.

SECTION 3. The provisions of this act shall apply to fiscal years beginning on or after July first, nineteen hundred and eighty-eight.

Emergency Letter: June 30, 1989 @ 6:06 P.M. Approved June 30, 1989.

Chapter 196. **AN ACT EXEMPTING CERTAIN POSITIONS IN THE SCHOOL DEPARTMENT OF THE CITY OF NORTH ADAMS FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The positions in the titles within the building maintenance series, the custodial services series, and the facilities maintenance series of the school department of the city of North Adams 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 said positions on the effective date of this act.

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

Approved July 5, 1989.

Chapter 197. **AN ACT RELATIVE TO CERTAIN BENEFITS PAYABLE BY LAWRENCE POLICE RELIEF ASSOCIATION.**

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and forty-six of the acts of nineteen hundred and seventy-one is hereby repealed.

SECTION 2. The Lawrence Police Relief Association, a corporation duly organized under the provisions of section seven of chapter four hundred and twenty-nine of the acts of eighteen hundred and eighty-eight, is hereby authorized, upon the retirement of any member in good standing from the police department of the city of Lawrence, to pay to such member such sum, not exceeding ten thousand dollars, as may be determined by vote of the board of directors of said corporation. Said association is further authorized, upon the death of a member, to pay to the designated beneficiary of said member, an amount not exceeding twenty thousand dollars, as may be determined by said board.

SECTION 3. This act shall apply to members of the Lawrence Police Relief Association who file application for retirement on or after the effective date of this act.

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

Approved July 5, 1989.

Chapter 198. **AN ACT FURTHER REGULATING THE TOWN OF WELLESLEY WAR MEMORIAL SCHOLARSHIP FUND.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 229 of the acts of 1951 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The town of Wellesley is hereby authorized to establish a War Memorial Scholarship Fund, to raise and appropriate monies for that purpose and to receive, hold and expend contributions to said fund in addition to the sum appropriated.

SECTION 2. Section 4 of said chapter 229 is hereby amended by striking out the first sentence, as amended by section 6 of chapter 555 of the acts of 1978, and inserting in place thereof the following sentence:- Said fund shall be administered by a board of trustees who shall be the board of selectmen of the town of Wellesley.

SECTION 3. Section 7 of said chapter 229, as amended by section 7 of said chapter 555, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The members of the board of selectmen of said town shall be ex officiis the trustees of said fund.

SECTION 4. Said chapter 229 is hereby further amended by inserting after section 8 the following section:-

Section 8A. Notwithstanding the provisions of section twenty-three B of chapter thirty-nine of the General Laws or any other general or special law to the contrary, the board of selectmen, acting in their capacity as trustees of said fund, are hereby authorized to hold executive sessions for discussing the eligibility of applicants for such scholarships.

SECTION 5. Section five of chapter five hundred and fifty-five of the acts of nineteen hundred and seventy-eight is hereby repealed.

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

Approved July 5, 1989.

Chapter 199. **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 Jon David Jacobs, as he is an attorney-at-law in the state of New York, in the town of Brewster on August twentieth, nineteen hundred and eighty-nine between Cheryl L. Jacobs of the city of Boston and Alex S. Ehrlich of the city of New York in the state of New York, and the state secretary shall issue to said Jon David Jacobs in his capacity as aforesaid a certificate of such authorization.

Approved July 5, 1989.

Chapter 200. **AN ACT RELATIVE TO THE BARNSTABLE COUNTY CHARTER.**

Be it enacted, etc., as follows:

Section 2 of chapter 163 of the acts of 1988 is hereby amended by striking out, in lines 2 to 4, inclusive, the words "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" and inserting in place thereof the words:- one of chapter sixty-four D of the General Laws and section twenty-three of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine.

Approved July 5, 1989

Chapter 201. **AN ACT FURTHER REGULATING THE REQUIREMENTS FOR ELEVATOR MECHANICS LICENSES.**

Be it enacted, etc., as follows:

Section 71B of chapter 143 of the General Laws, as appearing in the 1986 Official Edition is hereby amended by striking out the third sentence.

Approved July 5, 1989.

Chapter 202. **AN ACT FURTHER REGULATING THE REFUND OF FINANCE CHARGES UPON CANCELLATION OF AN INSURANCE CONTRACT.**

Be it enacted, etc., as follows:

Section 21 of chapter 255C 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:- Upon the cancellation of an insurance contract the insured shall be entitled to a refund of the finance charges, such refund to be computed on a method which is at least as favorable to the insured as the actuarial method, so-called, from the effective date of cancellation irrespective of the time when the premium finance agency is reimbursed by the insurer or insurers.

Approved July 5, 1989.

Chapter 203. **AN ACT RELATIVE TO SAVINGS BANKS.**

Be it enacted, etc., as follows:

Section 4 of chapter 168 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause *"First"* and inserting in place thereof the following clause:-

First. - The name by which the corporation shall be known.

Approved July 5, 1989.

Chapter 204. **AN ACT ESTABLISHING A SYSTEM OF ADJUDICATING PARKING VIOLATIONS BY MAIL.**

Be it enacted, etc., as follows:

SECTION 1. Section 20A of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Any person notified to appear before the parking clerk, as provided herein, may without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation

from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to any hearing provisions provided by this section or to judicial review as provided by section fourteen of chapter thirty A. Each parking violation issued shall carry a statement explaining the procedure to adjudicate the violation by mail.

SECTION 2. Section 20A 1/2 of said chapter 90 is hereby amended by adding the following paragraph:-

Any person notified to appear before the parking clerk, as provided herein, may without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to any hearing provisions provided by this section or to judicial review as provided by section fourteen of chapter thirty A. Each parking violation

issued shall carry a statement explaining the procedure to adjudicate the violation by mail.

Approved July 5, 1989.

Chapter 205. AN ACT RELATIVE TO CERTAIN LIENS ON REAL ESTATE AND FUTURE INTERESTS.

Be it enacted, etc., as follows:

Section 9 of chapter 65 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph:-

The lien charged by this chapter and by corresponding provisions of prior laws upon any real estate shall terminate ten years after the date of death of the deceased, or, in the case of a lien imposed upon a future interest, ten years after the right of possession or enjoyment accrues, unless, prior to such termination, the commissioner of revenue shall have commenced an action to enforce such lien and shall have recorded notice of such action in the registry of deeds for the district where the land upon which the lien is claimed lies, or in case of registered land, in the appropriate registry district. Any such notice shall set forth the name of the deceased, and in the case of registered land, the name of the holder of the outstanding certificate of title of land sought to be charged, and the number of said certificate, and such notice shall be noted thereon.

Approved July 5, 1989.

Chapter 206. AN ACT AUTHORIZING THE CITY OF GARDNER TO ISSUE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the city of Gardner is hereby authorized to issue a club license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to the Gardner Deep Sea Club, Inc. and to the Gardner Deer Club, Inc. subject to all the provisions of said chapter one hundred and thirty-eight except for section seventeen; provided, however, that the li-

censing authority shall not approve the transfer of said license to any other persons, organization, corporation or location; and provided, further, that the issuing of any license as herein authorized shall reduce by one any increase in licenses issued under the provisions of said section seventeen.

Approved July 5, 1989.

Chapter 207. **AN ACT FURTHER REGULATING THE PAYMENT OF CRIMINAL FINES.**

Be it enacted, etc., as follows:

Section 1 of chapter 279 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 9, the word "fifteen" and inserting in place thereof the words:- two hundred.

Approved July 6, 1989.

Chapter 208. **AN ACT DESIGNATING THE SECOND WEDNESDAY OF APRIL AS GEORGE DEMETER DAY, IN HONOR OF HIS OUTSTANDING CONTRIBUTION TO THE PARLIAMENTARY PROCESS.**

Be it enacted, etc., as follows:

The governor shall annually issue a proclamation setting apart the second Wednesday in April, April being the month designated as National Parliamentary Month, as George Demeter Day, in honor of George Demeter's contributions to the parliamentary process and his dedication to the protection of the rights of individuals by insuring an orderly process by which all organizations and deliberative bodies can make decisions.

Approved July 6, 1989.

Chapter 209. **AN ACT DESIGNATING THE DAM ON LAKE AVENUE IN THE CITY OF WOBURN AS THE WILLIAM J. SCALLEY DAM.**

Be it enacted, etc., as follows:

The dam on Lake avenue in the city of Woburn shall be designated and known as the William J. Scalley dam in honor of William J. Scalley, a former member and

president of the city council of said city. A suitable marker bearing said designation shall be attached thereto by the appropriate agency.

Approved July 6, 1989.

Chapter 210. **AN ACT DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF WEST BOYLSTON TO THE WEST BOYLSTON HOUSING AUTHORITY.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J 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 West Boylston, to the West Boylston Housing Authority, subject to the requirements of this act and to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the metropolitan district commission. Said parcel is shown as Parcel "A" on a plan entitled "Land in West Boylston prepared for West Boylston Housing Authority" dated August 26, 1988 and revised October 24, 1988 and prepared for filing with the Worcester district registry of deeds in the county of Worcester by Bouley Brothers, Inc., registered land surveyors, Worcester, Massachusetts.

SECTION 2. No deed conveying, by or on behalf of the commonwealth, the property described in section one of this act shall be valid unless said deed provides that said property shall be used for the development of state-aided handicapped housing. Said deed shall prescribe that the following requirements shall be met and adhered to:

(1) The total number of full-time residents at the Foster street property shall at no time exceed eight handicapped clients and two full-time resident staff persons.

(2) A new sanitary subsurface disposal system must be installed at the Foster street property to the rear and northwest of the home and at least four hundred feet, as measured horizontally, from the Oakdale public water supply well. This new system must be designed in accordance with section 15.00 of chapter 310 of the Code of Massachusetts Regulations, the State Sanitary Code and current local regulations, and approved by the local board of health. Installation of said system shall be completed before said home may be occupied.

The existing subsurface disposal system shall be abandoned by the following

procedures:

(a) The West Boylston Housing Authority shall contract with a licensed septage hauler to pump out the existing septic tank and cesspool, and

(b) The West Boylston Housing Authority shall sever and cap permanently or remove the sewer line from said home to the existing septic tank and cesspool.

(3) No new structures shall be constructed on Foster street property within four hundred feet radius, as measured horizontally, from the Oakdale public water supply well.

(4) All surface drains shall be constructed as to divert any runoff away from the well.

(5) The deed shall contain a further restriction which shall prohibit any further expansion on or adjacent to this property other than that authorized by this act.

(6) Any and all required federal, state, and local permits and approvals must be obtained and written copies shall be sent to central region office within the department of environmental quality engineering to be kept on file.

SECTION 2A. The West Boylston Housing Authority shall assume the costs of appraisals, surveys and/or other expenses as deemed necessary by the deputy commissioner of the division of capital planning and operations for the conveyance of this property.

SECTION 3. In the event that the above mentioned property is not used for the purposes described in section two, or that the requirements prescribed in said section are not met and complied with within five years of the effective date of this act, or if the West Boylston Housing Authority ceases to use said property for said purposes at any time, said property shall revert at no cost to the commonwealth under such additional terms and conditions as the deputy commissioner of the division of capital planning and operations may prescribe.

Approved July 6, 1989

Chapter 211. **AN ACT FURTHER REGULATING INSURANCE COVERAGE FOR PLUMBING AND GAS FITTING CONTRACTORS.**

Be it enacted, etc., as follows:

Chapter 142 of the General Laws is hereby amended by striking out section 21A, inserted by chapter 354 of the acts of 1987, and inserting in place thereof the following section:-

Section 21A. Notwithstanding the provisions of any general or special law to the contrary, no licensed plumber or gas fitter, acting in the capacity of a self-employed contractor, shall be issued a permit for the performance of plumbing

and gas fitting, pursuant to this chapter unless the licensee has a current liability insurance policy including completed operations coverage, which has been issued by an insurance company licensed to do business within the commonwealth, or other type of indemnity against liability providing substantially equivalent coverage, or a bond. The licensee shall check the appropriate block on the uniform application to perform plumbing and gas work.

In lieu of such insurance requirement, plumbing and gas inspectors shall accept the signature of the owner or his agent on the uniform application for a permit to perform plumbing or gas work upon the property of said owner.

Approved July 7, 1989.

Chapter 212. AN ACT FURTHER REGULATING BAIL.

Be it enacted, etc., as follows:

Chapter 276 of the General Laws is hereby amended by striking out section 67, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 67. A person arrested on a felony charge or a misdemeanor charge for which the punishment provisions thereof provide for the possibility of incarceration for a period exceeding one hundred days, who forfeits or defaults on his bail bond or recognizance or has been surrendered by a probation officer shall not again be released on further bail or recognizance in the same case except by order of a justice of the court where such charge was pending at the time of such default or surrender.

A person arrested on a misdemeanor charge for which the punishment provisions thereof provide for a fine or for a maximum period of incarceration that does not exceed one hundred days, who forfeits or defaults on his bail bond or recognizance or has been surrendered by a probation officer may be released on further bail or recognizance in the same case. The magistrate authorizing a release in such circumstance shall not be bound by the presumption of release on personal recognizance contained in section fifty-eight.

A justice or magistrate, in issuing a warrant because of a default on a bail bond or recognizance or because of a surrender by a probation officer, may by writing thereon order specific release conditions in the event the defendant is apprehended on such warrant.

Approved July 7, 1989

Chapter 213. AN ACT AUTHORIZING CITIES AND TOWNS TO PENALIZE THOSE WHO ABANDON MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize cities and towns to provide for abandoned cars, 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 90 of the General Laws is hereby amended by striking out section 22B, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 22B. (a) Whoever abandons a motor vehicle registered or unregistered, upon any public or private way or upon any property other than his own without the permission of the own
er 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. A conviction of a violation of this section shall be reported forthwith by the court to the registrar, who may revoke, for a period not exceeding three months, the license of the person so convicted, and if the motor vehicle is registered in his name or was last registered in his name he shall be prohibited from registering another motor vehicle for one year, and no appeal, motion for new trial or exceptions shall operate to stay the revocation of the license or the prohibition of registration.

This subsection shall not apply in a city or town which accepts the provisions of subsection (b) to (k), inclusive.

Subsection (b) to (k), inclusive, shall apply in any city or town which accepts the provisions of said subsections in accordance with the provisions of section four of chapter four.(b) Notwithstanding the provisions of subsection (a), or any other general or special law to the contrary, proceedings under the provisions of subsections (b) to (k), inclusive, shall be deemed non-criminal.

As used in subsections (b) to (k), inclusive, the word "owner" shall mean 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 owners of automobile graveyards or junkyards as defined in section one of chapter one hundred and forty B; provided, however, that the owner of a motor vehicle which has been stolen from said owner and subsequently abandoned shall not be subject to the penalties provided for in this section.

(c) There shall be in any city or town which accepts the provisions of

subsections (b) to (k), inclusive, a parking clerk designated or appointed in the same manner as provided in section twenty A 1/2. Said parking clerk, in addition to other duties provided by law, shall supervise and coordinate the processing of abandoned motor vehicles.
Said parking clerk shall have the authority to hire personnel, or may contract by competitive bid for services necessary to implement the provisions of this section.

(d) A person who abandons a motor vehicle, registered or unregistered, upon any public or private way, or upon the property of another, without the permission of the owner or lessee of said property, shall pay a civil penalty of two hundred and fifty dollars for the first such abandonment and five hundred dollars for each such abandonment thereafter and, in addition thereto shall be liable for costs incurred by a city or town in removing or disposing of such motor vehicle, including, but not limited to, towing, storage, processing and disposal charges.

(e) A police officer, or a person assigned responsibility for abandoned motor vehicles by the parking clerk, who determines that a motor vehicle has been abandoned shall attach a tag to said vehicle containing, but not limited to, the following information: the current date, the location of said vehicle, its make, color, registration number, if any, and its vehicle identification number; a telephone number or address at which the owner may obtain information regarding the status of the motor vehicle; the hearing procedure regarding abandoned motor vehicles, as provided herein; and, a statement that after a specified period of time, the vehicle may be towed and disposed of.

(f) After said tag has been affixed to such vehicle, if the owner's identity is ascertained and the motor vehicle is still deemed to be abandoned pursuant to section twenty-two C, the parking clerk or his designee shall send a written notice in a form approved by the registrar of motor vehicles by first class mail to the owner's last known address as contained in records of said registrar of motor vehicles. Such notice shall be deemed sufficient, whether or not actually received by the addressee, if mailed to the address furnished by said registrar. Such notice shall contain, but not be limited to, the following information regarding the abandoned vehicle: the current date, the location of said vehicle, make, color, registration number, if any, and its vehicle identification number; the amount of the fine and costs assessed for the offense and the scheduled date, time and place of the hearing before a hearing officer. Notwithstanding the hearing scheduled by the parking clerk, the owner shall be granted a hearing prior to the scheduled hearing date by appearing at the office of the parking clerk during its regular business hours and requesting an immediate hearing regarding the apparently abandoned motor vehicle. Notwithstanding the hearing scheduled by the parking clerk, the owner may elect to have the matter adjudicated in accordance with the provisions of subsection (h).

(g) All such hearings shall be held before a person hereinafter referred to as a hearing officer who shall be the parking clerk or a designee of said parking clerk. Such hearings shall be informal, the rules of evidence shall not apply and decisions of the hearing officer shall be subject to judicial review as provided by section fourteen of chapter thirty A. No appeal or exception 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) A person so notified to appear before the hearing officer may appear and contest or confess the alleged violation, either personally or through an agent duly authorized in writing or in the alternative, may confess the alleged violation by mailing to the parking clerk the notice accompanied by the fine and any costs assessed; provided, however, that such payment shall be made only by postal note, money order or registered check made payable to the city or town in which the violation occurred.

(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 person to revoke 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 abandoned motor vehicle is registered in such owner's name or was last registered in his name, the registrar shall prohibit the registration and renewal of registration of any such motor vehicle under such owner's name. Such notice shall be in a form 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 such owner of the abandoned vehicle. Said ten dollar charge shall be collected by the city or town and notification of such collection shall be made to the registrar of motor vehicles each month. 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 or town. This number shall equal the total number of notifications of actual collections by said city or town. The registrar shall transmit such certified assessments to the treasurer of the commonwealth who shall include such assessments in the warrants prepared in accordance with section twenty of chapter fifty-nine. All such actions taken by the registrar shall remain in effect until said registrar receives notice from the parking clerk that the matter has been disposed of in accordance with the law.

(j) Notwithstanding any other general or special law, ordinance or regulation to the contrary, if an owner has abandoned a motor vehicle 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. Such one year time period shall commence on the date on which the parking clerk's records indicate 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.

(k) Notwithstanding any other provisions of this section, whenever the clerk or a person designated or appointed by said clerk, shall deem that an abandoned motor vehicle is worth less than the cost of its removal, transportation and three days storage and expenses incidental to its disposal, said clerk or designee shall direct a carrier to take possession of such motor vehicle and dispose of it as refuse. A record of such disposal shall be made and kept in the office of said clerk for a period of two years. Neither said clerk, carrier nor the city or town shall be liable for such disposal. The owner of such vehicle shall be notified as hereinbefore provided and shall pay to said carrier all charges for removal, transportation, storage and disposal of such vehicle within fourteen days after the mailing of said notice or shall be subject to the fine herein provided as well as nonrenewal of such owner's license to operate and registration of a motor vehicle.

SECTION 2. Fines imposed for the abandonment and subsequent abandonment of a motor vehicle, as provided for in section one, shall apply only to offenses committed on and after the effective date of this act.

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

Approved July 11, 1989.

Chapter 214. **AN ACT RELATIVE TO PERMITTING UNINSURED MOTOR VEHICLES TO REMAIN ON A PUBLIC OR PRIVATE WAY.**

Be it enacted, etc., as follows:

Section 34J of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "operated", in line 1, the words:- or permits to remain on a public or private way.

Approved July 11, 1989.

Chapter 215. AN ACT FURTHER REGULATING THE STATUTE OF LIMITATIONS IN ACTIONS FOR DEATH OR INJURIES RESULTING IN DEATH.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 229 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- An action to recover damages under this section shall be commenced within three years from the date of death, or within three years from the date when the deceased's executor or administrator knew, or in the exercise of reasonable diligence, should have known of the factual basis for a cause of action, or within such time thereafter as is provided by section four, four B, nine or ten of chapter two hundred and sixty.

SECTION 2. Section 10 of chapter 260 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of the preceding paragraph, any action pursuant to this section may be commenced by the executor or administrator within three years from the date when the executor or administrator knew, or in the exercise of reasonable diligence, should have known of the factual basis for a cause of action.

Approved July 11, 1989.

Chapter 216. AN ACT FURTHER REGULATING THE CONSTRUCTION OF STATUTES RELATIVE TO CERTAIN PUBLICATION OF NOTICE.

Be it enacted, etc., as follows:

Section 6 of chapter 4 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause Eighth and inserting in place thereof the following clause:-

Eighth, Wherever publication is required in a newspaper published in a city or town, it shall be sufficient, when there is no newspaper published therein, if the publication is made in a newspaper with general circulation in such city or town. If a newspaper is not published in such city or town and there is no newspaper with general circulation in such city or town, it shall be sufficient if the publication is made in a newspaper published in the county where such city or town is situated. A newspaper which by its title page purports to be printed

or published in such city, town or county, and which has a circulation therein, shall be deemed to have been published therein.

Approved July 11, 1989.

Chapter 217. AN ACT RELATIVE TO NOTICES OF LEASE OF REGISTERED LAND.

Be it enacted, etc., as follows:

Chapter 185 of the General Laws is hereby amended by striking out section 71, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 71. Leases, or notices of leases as defined in section four of chapter one hundred and eighty-three, of registered land for more than seven years from the making thereof shall be registered in lieu of recording.

Approved July 11, 1989.

Chapter 218. AN ACT FURTHER REGULATING THE RECORDING OF CERTAIN PLANS RELATIVE TO ORDERS OF A CONSERVATION COMMISSION.

Be it enacted, etc., as follows:

The fourteenth paragraph of section 40 of chapter 131 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- If the final order, determination or notification requires the recording of a plan which (1) shows the location of the work, (2) is prepared by a registered professional engineer or land surveyor and (3) is in recordable form, no work proposed in the notice of intention shall be undertaken until such plan has been recorded in the registry of deeds or, if the land affected thereby is registered land, in the registry section of the land court for the district wherein such land lies.

Approved July 11, 1989.

Chapter 219. AN ACT FURTHER REGULATING REPORTS OF CHILD ABUSE.

Be it enacted, etc., as follows:

The first paragraph of section 51A of chapter 119 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "children", in line 9, the words:- or which provides the services of child care resource and referral agencies, voucher management agencies, family day care systems and child care food programs.

Approved July 11, 1989.

Chapter 220. AN ACT RELATIVE TO THE DUTIES OF MEDICAL EXAMINERS.

Be it enacted, etc., as follows:

Section 6 of chapter 38 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

In carrying out the duties prescribed by this section, the medical examiner shall be entitled to review and receive copies of medical records or information which he deems relevant to establishing the cause and manner of death. No person shall be subject to liability of any nature for providing such records or information at the request of the medical examiner.

Approved July 11, 1989.

Chapter 221. AN ACT FURTHER REGULATING THE LICENSING OF MOTOR VEHICLE OPERATORS.

Be it enacted, etc., as follows:

SECTION 1. Section 7B of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 28 and 29, the words "the registrar and has in his possession a valid Class I or Class II Massachusetts motor vehicle operator's license" and inserting in place thereof the following words:- his state of residence for operation of the class of vehicle being operated and has said license in his possession.

SECTION 2. Section 7D 1/2 of said chapter 90, as so appearing, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) To be operated by a person eighteen years of age or over who has had at least three years of licensed driving experience and who is duly licensed by his state of residence for operation of the class of vehicle being operated and has said

license in his possession.

SECTION 3. The first paragraph of section 8B of said chapter 90, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The registrar, in his discretion, after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant a learner's permit which shall entitle him, while having such permit in his immediate possession, to drive a motor vehicle upon any way when accompanied by an operator, duly licensed by his state of residence, who is eighteen years of age or over, who has had at least one year of driving experience, and who is occupying a seat beside the driver; provided, however, that in the case of a motorized bicycle, no such accompanying operator shall be required; and provided, further, that if the applicant has been issued a learner's permit restricted to the operation of a motorcycle, said learner's permit shall not entitle him to carry any passenger while operating such motorcycle upon any way or to operate a motorcycle upon any way at any time after sunset or before sunrise.

SECTION 4. The eleventh paragraph of section 32G of said chapter 90, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person shall be employed by a licensee as a driving instructor, nor shall any person give instructions for hire in the operation of motor vehicles unless such person is duly licensed by his state of residence and has a valid instructor's certificate issued by the registrar.

Approved July 11, 1989.

Chapter 222. AN ACT RELATIVE TO THE CLOSING OR RELOCATION OF BANK BRANCHES.

Be it enacted, etc., as follows:

Section 3 of chapter 167C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

With the written consent of the commissioner and under such procedures as he may require, a branch or depot may be closed, or its location may be changed; provided, however, that before approving any such closing or relocation, the commissioner shall determine that the area served by such branch or depot will not be adversely affected thereby. In making such determination, the commissioner shall consider the availability of credit in such area, the convenience and necessity of deposit services therein, and such other factors as he deems appropriate.

Approved July 11, 1989.

Chapter 223. **AN ACT RELATIVE TO RECREATION AND PARK SELF-SUPPORTING SERVICE REVOLVING FUNDS IN CITIES AND TOWNS.**

Be it enacted, etc., as follows:

Section 53D of chapter 44 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 21, the word "five" and inserting in place thereof the word:- ten.

Approved July 11, 1989.

Chapter 224. **AN ACT RELATIVE TO PAYMENT OF SCHOOL BONDS ISSUED BY A CITY, TOWN OR REGIONAL SCHOOL DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, indebtedness incurred by a city, town, or regional school district for the purpose of constructing, equipping, and furnishing a new school facility or renovating, remodeling and adding to an existing school facility 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; provided, however, that the annual payment of maturities of the bonds or notes issued by such city, town, or regional school district shall be arranged when so desired by such city, town or regional school district so that each issue of the annual combined payment of principal and interest shall be as nearly equal as practicable for each year of the full term of said bonds or notes, or shall be arranged in conformance with the equal amortization of principal as provided in said chapter six hundred and forty-five.

SECTION 2. Notwithstanding the method of payment of maturities used by the city, town or regional school district, in no school project under chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, shall a city, town or regional school district receive a larger state reimbursement grant for school building assistance than the grant calculated within the provisions of said chapter six hundred and forty-five with equal annual payments of principal and with interest calculated for the equal annual payments throughout the full term of the bonds or notes which shall not be less than five nor more than twenty years for terms of any bonds or notes for reimbursement grants under said chapter

six hundred and forty-five.

Approved July 11, 1989.

Chapter 225. AN ACT PROVIDING FOR THE INCLUSION OF HORSES IN THE DEFINITION OF AGRICULTURE.

Be it enacted, etc., as follows:

Section 1A of chapter 128 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "livestock", in line 4, the words:- including horses.

Approved July 11, 1989.

Chapter 226. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF WORKERS' MEMORIAL DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15JJJ, inserted by chapter 159 of the acts of 1989, the following section:-

Section 15KKK. The governor shall annually issue a proclamation setting apart the fourth Friday in April as Workers' Memorial Day in remembrance of the courage and integrity of American workers and recommending that said day be observed in an appropriate manner by the people.

Approved July 11, 1989.

Chapter 227. AN ACT PROVIDING FOR DRUG FREE SCHOOL ZONES.

Be it enacted, etc., as follows:

SECTION 1. Section 32H of chapter 94C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 3, the words "and thirty-two F" and inserting in place thereof the words:- thirty-two F and thirty-two J.

SECTION 2. Said chapter 94C is hereby further amended by inserting after section 32I, as so appearing, the following section:-

Section 32J. Any person who violates the provisions of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I while in or on, or within one thousand feet of the real property com-

prising a public or private elementary, vocational, or secondary school whether or not in session shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two years. A fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum two year term of imprisonment as established herein. In accordance with the provisions of section eight A of chapter two hundred and seventy-nine such sentence shall begin from and after the expiration of the sentence for violation of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I.

Lack of knowledge of school boundaries shall not be a defense to any person who violates the provisions of this section.

SECTION 3. Section 26 of chapter 218 of the General Laws, as amended by chapter 266 of the acts of 1987, is hereby further amended by inserting after the word "thirty-two A", in line 12, the words:- and section thirty-two J.

Emergency Letter: July 11, 1989 @ 4:55 P.M. Approved July 11, 1989.

Chapter 228. AN ACT FURTHER REGULATING WORKSHARING.

Be it enacted, etc., as follows:

Subsection (b) of section 29D of chapter 151A of the General Laws, as appearing in section 2 of chapter 663 of the acts of 1987, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:-

(4) The plan provides that health benefits, as defined in section 3(35) of the Employee Retirement Income Security Act of 1974, will continue to be provided to the employees in the affected units as though their normal weekly hours of work had not been reduced, provided that retirement benefits under a benefit pension plan, as defined in said section 3(35), will continue to be provided to the employees in the affected units on a pro-rated basis, and specifies the effect, if any, the reduction in the normal weekly hours of work will have on other fringe benefits provided by the employer.

Approved July 11, 1989.

Chapter 229. **AN ACT RELATIVE TO THE ALLEVIATION OF THE FINANCIAL BURDEN IMPOSED ON THE CITY OF HAVERHILL BY THE FIRE OF FEBRUARY ELEVENTH AND TWELFTH, NINETEEN HUNDRED AND EIGHTY-NINE.**

Be it enacted, etc., as follows:

SECTION 1. For the purpose of meeting the expenses of restoring buildings and public works and for reimbursing for police, fire, and other public services utilized as a result of the fire of February eleventh and twelfth, nineteen hundred and eighty-nine, the secretary of administration and finance is hereby authorized, subject to appropriation, to provide financial assistance to the city of Haverhill in an amount not to exceed two hundred and fifty thousand dollars.

SECTION 2. For the purpose of meeting the expenses associated with planning, temporary rental assistance, business relocation and related activities, incurred as a result of the fire of February eleventh and twelfth, nineteen hundred and eighty-nine, the secretary of administration and finance is hereby authorized, subject to appropriation, to provide financial assistance to the city of Haverhill in an amount not to exceed one hundred and seventy-five thousand dollars.

SECTION 3. Notwithstanding the provisions of sections two A and thirty-eight of chapter fifty-nine of the General Laws, the board of assessors of the city of Haverhill may, for fiscal year nineteen hundred and eighty-nine, determine the valuation of property immediately subsequent to its destruction by the fire of February eleventh and twelfth, nineteen hundred and eighty-nine, for the purpose of granting abatements under section fifty-nine of chapter fifty-nine of the General Laws. The commissioner of revenue is hereby authorized, subject to appropriation, to reimburse the city of Haverhill for abatements granted pursuant to this section, provided that the combined total of abatements does not exceed seventy-five thousand dollars.

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

Approved July 12, 1989.

Chapter 230. **AN ACT RELATIVE TO THE ESTABLISHMENT OF NEW HARBOR LINES IN MYSTIC RIVER IN THE CITY OF CHELSEA.**

Be it enacted, etc., as follows:

SECTION 1. The harbor line of the city of Chelsea side of the Mystic river,

between the solid portion of the former Chelsea bridge and the solid pier at the Mary O'Malley park, is hereby changed and established as follows:- Beginning at a point on the southeasterly corner of the solid portion of said former bridge, as now built in Chelsea; thence running in a southwesterly direction to a point three hundred and twenty-five feet seaward to the center line of the fender pier as shown on License Plan number sixteen hundred and twenty-one, dated the second of October, nineteen hundred and thirty-four, in the records of the department of environmental quality engineering; thence running along said center line of said fender pier as shown on said license plan a distance of three hundred and seventy-eight feet to a point on said plan where the fender pier ends; and thence in a line measuring five hundred and eighty-two feet, more or less, running in a northwesterly direction and connecting with the southeasterly corner of the solid pier and boat landing, as it now exists, at Mary O'Malley park.

SECTION 2. So much of section three of chapter two hundred and ninety-three of the acts of eighteen hundred and fifty-six, and section one of chapter three hundred and forty-four of the acts of eighteen hundred and eighty-seven, as establish a different harbor line upon the frontage covered by this act is hereby repealed.

Approved July 12, 1989.

Chapter 231. AN ACT AUTHORIZING THE CITY OF WORCESTER TO CONSTRUCT A COMFORT STATION AT ELM PARK.

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 building to be used as a comfort station in a certain park known as Elm park in said city.

Approved July 12, 1989.

Chapter 232. AN ACT FURTHER REGULATING THE SCHOOL BUILDING ASSISTANCE ACT.

Be it enacted, etc., as follows:

SECTION 1. Section 4 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 striking out the last sentence.

SECTION 2. Clause *(a)* of section 7 of said chapter 645, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- Such application shall be in the form prescribed by the board, and shall be accompanied or supplemented by drawings, plans, estimates of cost, and proposals for defraying such costs, or any such additional information as the board may require, before construction is undertaken. Notwithstanding any provision of this act to the contrary, in the event that a city, town or regional school district undertakes construction before approval is obtained said city, town or regional school district shall remain subject to the board's approval process as if such construction were not undertaken; provided, further, that notwithstanding the provisions of section thirteen, in the event that the board approves a 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.

SECTION 3. Subsection *(b)* of section 17 of said chapter 645, as so appearing, is hereby amended by striking out, in line 11, the word "continue" and inserting in place thereof the words:- be waived.

SECTION 4. Section 20 of said chapter 645 is hereby amended by striking out the last paragraph added by chapter 301 of the acts of 1988.

Approved July 12, 1989.

Chapter 233. AN ACT RELATIVE TO VICTIMS AND WITNESSES WHO TESTIFY AT CRIMINAL PROCEEDINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 258B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following clause:-

(l) for a victim or witness who has received a subpoena to testify, to be free from discharge or penalty or threat of discharge or penalty by his employer by reason of his attendance as a witness at a criminal proceeding. A victim or witness who notifies his employer of his subpoena to appear as a witness prior to the day of his attendance, shall not on account of his absence from employment by reason of such witness service be subject to discharge or penalty by his employer.

SECTION 2. Chapter 268 of the General Laws is hereby amended by inserting after section 14A the following section:-

Section 14B. Any person who is a victim of a crime upon which an accusatory instrument is based, or is subpoenaed to attend a criminal action as a witness and who notifies his employer of such subpoena prior to the day of his attendance,

shall not be subject to discharge or penalty by said employer on account of his absence from employment by reason of such witness service. An employer shall not subject an employee to discharge or penalty or the threat of discharge or penalty on account of the absence of such employee from employment by reason of his attendance as a witness at a criminal action. An employer who violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one month, or both such fine and imprisonment.

Approved July 12, 1989.

Chapter 234. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER LAND IN THE TOWN OF ASHLAND FROM THE METROPOLITAN DISTRICT COMMISSION TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations acting for and in behalf of the commonwealth is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer the care, custody and control of a certain parcel of land which is presently used for conservation purposes from the metropolitan district commission to the department of public works for highway purposes in conjunction with the reconstruction and relocation of the Howe Street bridge, so-called, in the town of Ashland.

Said parcel is shown on a plan entitled "Parcels of Land to be Taken from The Metropolitan District Commission For The Purpose of Relocation of Howe Street in the Town of Ashland" Scale 1"-40', which plan is to kept on file with the chief engineer of the department of public works.

SECTION 2. The deputy commissioner of capital planning and operations acting for and in behalf of the commonwealth is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer the care, custody and control of two parcels of land which are presently used for conservation purposes from the metropolitan district commission to the department of public works for highway purposes in conjunction with the reconstruction and relocation of the Howe Street bridge, so-called, in the town of Ashland. Upon completion of the reconstruction and relocation of said bridge the deputy commissioner of capital planning and

operations is authorized to convey by deed approved as to form by the attorney general said parcels of land to the town of Ashland for highway purposes.

Said parcels are shown on a plan entitled "Parcels of Land to be Taken from The Metropolitan District Commission For The Purpose of Relocation of Howe Street in the Town of Ashland" Scale 1"-40', which plan is to be kept on file with the chief engineer of the department of public works.

Approved July 12, 1989.

Chapter 235. AN ACT RELATIVE TO THE TRANSFER OF MUNICIPAL LAND FOR CERTAIN HOUSING PURPOSES.

Be it enacted, etc., as follows:

Section 15A of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

In any city or town which accepts the provisions of this paragraph, when land is being transferred for the purpose of constructing low and moderate income housing, the vote required of the city council or the town meeting shall be by a majority vote.

Approved July 12, 1989.

Chapter 236. AN ACT LIMITING THE TAKING OF PHOTOGRAPHS AND MOTION PICTURES IN CEMETERIES.

Be it enacted, etc., as follows:

Section 42B of chapter 114 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person shall use the premises of a cemetery or burial place for the purpose of taking photographs or making a motion picture for commercial purposes without the previous consent of the board of commissioners, trustees or directors of such cemetery or burial place or their designees.

Approved July 12, 1989.

Chapter 237. AN ACT REVISING AND CLARIFYING THE MASSACHUSETTS REHABILITATION AND LIQUIDATION ACT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 175 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "Profits" the following definition:-

"Receiver", receiver, liquidator, or conservator as the context requires.

SECTION 2. The first paragraph of section 6 of said chapter 175, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The court may issue a temporary injunction and appoint the commissioner temporary receiver forthwith and it may after a full hearing make the injunction permanent and appoint the commissioner permanent receiver to take possession of all the property and effects of the company, to settle its affairs, and to distribute its assets, subject to such rules and orders as the court may prescribe.

SECTION 3. The second paragraph of said section 6 of said chapter 175, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- At any time during pendency of a proceeding under this section against a domestic company transacting business in any other reciprocal state, as defined in section one hundred and eighty A for any cause other than that the company has exceeded its powers or has violated any provision of law, the commissioner may make application to the court for the termination of said proceeding and for his appointment as receiver to rehabilitate or liquidate the company as provided in and subject to section one hundred and eighty B or section one hundred and eighty C.

SECTION 4. Section 180A of said chapter 175, as so appearing, is hereby amended by inserting before the definition of "State" the following two definitions:-

"Ancillary state", any state other than a domiciliary state.

"Delinquency proceeding", any proceeding commenced against an insurer for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer.

SECTION 5. Said section 180A of said chapter 175, as so appearing, is hereby further amended by inserting after the word "proceedings", in line 11, the following words:- or the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders and creditors in the United States;.

SECTION 6. Said section 180A of said chapter 175, as so appearing, is hereby further amended by inserting after the definition of "General assets" the following three definitions:-

"Insurer", any person subject to the insurance supervisory authority of or to liquidation, rehabilitation, reorganization, or conservation by the commissioner or the equivalent insurance supervisory official of another state.

"Preferred claim", any claim with respect to which the law of a state accords priority of payment from the general assets of the insurer.

"Receiver", receiver, liquidator, rehabilitator or conservator as the context requires.

SECTION 7. Said section 180A of said chapter 175, as so appearing, is hereby further amended by inserting after the word "force", in line 25, the following:- , including the provisions requiring that the commissioner or equivalent insurance supervisory official be the receiver of a delinquent insurer. The term "reciprocal state" shall also include any state also which has, through its commissioner or equivalent supervisory official, entered into a binding and enforceable written agreement with the commissioner of the commonwealth which provides that (1) a commissioner or equivalent supervisory official is required to be the receiver of a delinquent insurer; (2) title assets of the delinquent insurer shall vest in the domiciliary receiver, as of the date of any court order appointing him as receiver, and he shall have the same rights to recover such assets as provided under section one hundred and eighty E; (3) nondomiciliary creditors may file and prove their claims before ancillary receivers;(4) the laws of the domiciliary state of the delinquent insurer shall be applied uniformly to residents and nonresidents in the allowance of preference of claims, except for claims to special deposits created under the laws of the domiciliary state; (5) preferences, including attachments, garnishments and liens, for creditors with advance information shall be prevented; and (6) the domiciliary receiver may sue in the reciprocal state to recover any assets of a delinquent insurer to which he or she may be entitled under the law.

SECTION 8. Section 180B of said chapter 175, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The court may on such application issue a temporary injunction restraining the company in whole or in part from further proceeding with its business by appointing the commissioner as temporary receiver forthwith and after due notice and opportunity to be heard, appointing the commissioner as permanent receiver and authorize him to take possession of all property and effects of the company and to conduct its business for the purpose of rehabilitating it by taking such measures as may be proper to eliminate the causes and conditions which caused the institution of such proceeding, subject to the order of the court, or may dismiss the petition.

SECTION 9. Section 180C of said chapter 175, as so appearing, is hereby amended by striking out, in line 5, the word "may" and inserting in place thereof the following word:- shall.

SECTION 10. The first paragraph of section 180E of said chapter 175, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whenever under the laws of the commonwealth, an ancillary receiver is to be appointed in delinquency

proceedings for an insurer not domiciled in the commonwealth, the court shall appoint the commissioner as ancillary receiver and authorize him in addition to other powers, to conserve its assets within the commonwealth upon the grounds that such foreign insurer has been placed in the hands of a receiver or that possession of such insurer has been taken by the person having supervision of such insurer in its domiciliary state, or that such insurer has had its property sequestrated in its domiciliary state or any other state.

SECTION 11. Section 180F of said chapter 175, as so appearing, is hereby amended by inserting after the second paragraph the following two paragraphs:- \In the event a claimant elects to prove his claim in ancillary proceedings, if notice of the claim and opportunity to appear and to be heard is afforded the domiciliary receiver of the commonwealth as provided in section one hundred and eighty I with respect to ancillary proceedings in the commonwealth, the final allowance of such claim by the courts of the ancillary state shall be accepted in the commonwealth as conclusive as to its amount and priority, if any, against special deposits or other security located within the ancillary state. In a delinquency proceeding against an insurer domiciled in the commonwealth, claims owing to residents of ancillary states shall be preferred claims if like claims are preferred under the laws of the commonwealth. All such claims, whether owing to residents or nonresidents, shall be given equal priority of payment from general assets regardless of where such assets are located.

In a delinquency proceeding against an insurer domiciled in a reciprocal state, claims owing to residents of the commonwealth shall be preferred if like claims are preferred by the laws of the state.

SECTION 12. The third paragraph of said section 180F of said chapter 175, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:-

(4) Claims by policyholders, beneficiaries, and insureds arising from and within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company, and claims presented by the Massachusetts Insurers Insolvency Fund, the Massachusetts Life and Health Insurance Guaranty Association, or any similar organization in another state; provided, however, that the workers' compensation claims afforded a preference in section forty-six A shall be treated as preferred only as respects all other claims in this clause; and.

SECTION 13. Said section 180F of said chapter 175, as so appearing, is hereby further amended by adding the following paragraph:-

During the pendency of delinquency proceedings in the commonwealth or any other state, no action or proceeding in the nature of an attachment, garnishment, or levy on execution shall be commenced or maintained in the courts of the commonwealth against the delinquent insurer or its assets. Any lien

obtained by any such action or proceeding within four months prior to the commencement of any such delinquency proceeding or any time thereafter shall be void as against any rights arising in such delinquency proceeding.

SECTION 14. The second paragraph of section 180I of said chapter 175, as so appearing, is hereby amended by adding the following sentence:- The final allowance of a claim by a court of the commonwealth shall be accepted as conclusive as to its amount and priority, if any, against special deposits or other security located within the commonwealth.

SECTION 15. Section 180K of said chapter 175, as so appearing, is hereby amended by adding the following sentence:- If the amount of the deficiency has been adjudicated in ancillary proceedings as provided in this chapter or if it has been adjudicated by a court of competent jurisdiction in proceedings in which the domiciliary receiver has had notice and opportunity to be heard, that amount shall be conclusive; otherwise the amount shall be determined in the delinquency proceedings in the domiciliary state.

Emergency Letter: July 14, 1989 @ 3:28P.M. Approved July 12, 1989.

Chapter 238. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE SPECIAL TOWN MEETING OF THE TOWN OF PALMER.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, all acts and proceedings of the town of Palmer at its special town meeting held on May first, nineteen hundred and eighty-nine and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such special town meeting had been published and posted as required by law.

Approved July 12, 1989.

Chapter 239. AN ACT RELATIVE TO PLANNING BOARDS DESIGNATED AS SPECIAL PERMIT GRANTING AUTHORITIES.

Be it enacted, etc., as follows:

Section 9 of chapter 40A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the eighth paragraph the following paragraph:-

Zoning ordinances or by-laws may provide for associate members of a planning board when a planning board has been designated as a special permit

granting authority. One associate member may be authorized when the planning board consists of five members, and two associate members may be authorized when the planning board consists of more than five members. A city or town which establishes the position of associate member shall determine the procedure for filling such position. If provision for filling the position of associate member has been made, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.

Approved July 12, 1989.

Chapter 240. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in sections two, two A, two B and two C, for the several purposes and subject to the conditions specified in said sections two, two A, two B, two C 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 ninety, in this act referred to as the year nineteen hundred and ninety, or for such period as may be designated.

SECTION 2.

LEGISLATURE.

Senate.

Item			
0111	0000	For the compensation of senators, prior appropriation continued	$1,655,000
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	$580,000
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	$690,000
0115	0000	For administrative and legislative aides to the senators, prior appropriation continued	$4,100,000
0115	0100	For the cost of unemployment, medicare and workmen's compensation charges assessed against the employees of the senate	$120,000
0116	0000	For secretarial and clerical assistance to the senators, prior appropriation continued	$1,200,000
0116	0030	For a legislative intern and service program for the senate, prior appropriation continued	$250,000
0117	0000	For the office of the senate committee on ways and means	$1,168,382
0118	0000	For office supplies and other expenses of the senators, prior appropriation continued	$760,000
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	$50,000

Item		
	House of Representatives.	
0121-0000 For	the compensation of representatives	$5,225,000
0121-8000 For	expenses of representatives, including travel	$940,000
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 certain expenditures 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 hereof	$800,000
0125-0050 For	the cost of unemployment, medicare and workmen's compensation charges assessed against the employees of the house of representatives	$180,000
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
0129-2000 For	the expenses related to the House Information Systems, including maintenance of data and *telecommunications equipment*	$180,000
	Sergeant-at-Arms.	
0131-0000 For	the office of the sergeant-at-arms, prior appropriation continued	$405,908
0132-0000 For	the salaries of the chief general court officers, assistant chief general court officer, general court officers and pages of the senate and house of representatives with the approval of the sergeant-at-arms, prior appropriation continued	$2,550,000
0132-1000 For	the salaries of clerks employed in the legislative document room, prior appropriation continued	$377,900

Item		
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
0135-0000 For	the rental, maintenance and updating of an electric roll call system	$25,000
	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	$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	$4,993,084
0144-0100 For	the expenses of the office of the house committee on personnel administration	$40,000
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	$200,000
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	$1,972,000
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	$30,000
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
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	$190,000

Item		
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
0185-7000 For	the expenses of the special committee of the senate, established under Senate No. 1778 of 1989 for the purpose of determining and implementing the manner, conditions and extent to which formal sessions of the senate shall be made accessible to electronic media, including television and radio	$150,000
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, prior appropriation continued	$50,000
0185-7810 For	the expenses of the special commission established to investigate and study the adequacy of water supply in the commonwealth, prior appropriation continued.	
0185-7819 For	the expenses of the special commission on alcohol and drug abuse education, prior appropriation continued	$50,000
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, prior appropriation continued	$150,000

Item		
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
0185-7831 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 non-profit 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 hardship on families	$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	$60,000
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

Item		
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
0185-7853	For the expenses of the special commission to make an investigation and study of the 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, prior appropriation continued	$47,500
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
0185-7858	For the expenses of the special commission to make an investigation and study relative to examining the procedures of admitting drug-alcohol patients for detoxification and extended drug-alcohol education and rehabilitation by insurance companies and health maintenance organizations and the denial of coverage for extended hospitalizations, established by chapter two of the resolves of nineteen hundred and eighty-five, prior appropriation continued	$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 of nineteen hundred and eighty-seven	$75,000
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	$10,000
0185-7889	For the initial expenses of the special commission established for the purposes of considering the scope and extent of financial services offered to consumers in the commonwealth by depository and non-depository institutions; provided, however, that this appropriation shall be fully funded by assessments on depository, non-depository and other financial institutions	$150,000
0185-7890	For the expenses of a special commission established, under the provisions of section one hundred and ten of this act, for the purpose of making an investigation and study of the effectiveness and efficiency of the administrative structure of the trial court of the commonwealth	$50,000
0185-7963	For the expenses of the special senate committee on long range policy planning to complete, by December thirty-first, nineteen hundred and eighty-nine, its investigation and study of major economic, technological and social trends and development which will significantly impact the commonwealth, its citizens, its families and its business environment through the remainder of this century	$19,000

INSPECTOR GENERAL.

0200-0100 For the administration and expenses of the office of inspector general, including not more than thirty-four positions $1,362,756

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0210-0100 For the expenses and administration of the office of campaign and political finance $450,000

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 one hundred and seventy-eight thousand dollars shall be obligated to implement the recommendations of the gender bias study $4,149,204

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 $541,926

0321-1500 For the committee for public counsel services as authorized by chapter two hundred and eleven D of the General Laws, including prior years' expenses, including not more than two hundred twenty-seven positions $38,489,236

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 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

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	States Immigration and Nationality Act and Refugee Act of 1980 or 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	$2,058,153
0321-2000 For	expenses of the mental health legal advisors committee, and for certain programs for the indigent mentally ill, as provided in section thirty-four E of chapter two hundred and twenty-one of the General Laws; provided, however, that no expenditure or commitment made pursuant thereto shall be incurred in excess of funds appropriated herein; and provided further, that not less than fifty thousand dollars shall be expended from this line 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 thirteen associate justices	$1,131,585
0322-0002 For	the salaries and expenses of the appeals court	$2,671,320

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 three hundred and twenty positions	$24,138,043
0330-0200 For	the salaries of the recalled justices of the trial court	$1,690,976
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	$7,829,755
0330-0600 For	dental and optical health plan trust agreements	$988,764
0330-1000 For	payments of expenses of juries	$3,400,000

Item		
0330-2000 For	salaries and expenses of certain law libraries; provided, that said libraries remain open for a minimum of six hours per day Monday through Friday, during the fiscal year nineteen hundred and ninety, including not more than thirty positions	$3,100,000
0330-2010 For	expenses related to computerized legal research	$167,945
0330-2020 For	centralized law book purchases	$400,000
0330-2030 For	expenses of the social law library located in Suffolk county	$717,500
0330-2040 For	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 percent 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 data 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 every county which receives funds under this item shall maintain such funds in a separate account which shall be used solely for the maintenance of the rented facilities; provided further, that all rents paid to the counties shall be expended for courthouse maintenance costs in each county; and provided further, that each county advisory board, upon receipt of the proposed budget by the county commissioners, shall have final approval of all expenditures under this item	$34,378,058
0330-2205 For	expenses to maintain and operate courthouse facilities owned by the commonwealth, including not more than two hundred eight positions	$8,198,339
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	$435,000
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	$1,382,219
0330-2700 For	printing expenses	$1,925,000
0330-2800 For	repairs of equipment	$2,597,549

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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 $1,029,962

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-nine shall be considered a full-time court officer for fiscal year nineteen hundred and ninety; and provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreement, including not more than four hundred and nine positions $11,143,919

0330-3300 For the payment of office, administrative, special, and maintenance and repair expenses in the trial court, to be allocated by the chief administrative justice $1,531,025

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 not less than 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 at least two hundred sixteen thousand seven hundred seventy-two thousand dollars and seven positions be made available to Barnstable superior court; provided further, that not less than two hundred fifteen thousand dollars and seven positions be made available to Berkshire superior court; provided further, that not less than nine hundred sixty-one thousand eight hundred fifty-one dollars and thirty-three positions be made available to Bristol superior court; provided further, that not less than seventy-six thousand seven hundred thirty-two dollars and two positions be made available to Dukes superior court; provided further, that at least one million one hundred forty thousand one hundred nine dollars and forty positions be made available to Essex superior court; provided further, that at least one hundred eighty-three thousand two hundred forty-six dollars and six positions be made available to Franklin superior

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	court; provided further, that at least one million seventy thousand nine hundred eighty dollars and thirty-seven positions be made available to Hampden superior court; provided further, that not less than two hundred fifty-eight thousand eight hundred forty-two dollars and eight positions be made available to Hampshire superior court; provided further, that not less than two million seven hundred fifty-seven thousand eight twenty-two dollars and ninety-seven positions be made available to Middlesex superior court; provided further, that at least seventy-nine thousand one hundred thirty-two dollars and two positions be made available to Nantucket superior court; provided further, that at least one million one hundred eighty-four thousand three hundred twenty-two dollars and thirty-eight positions be made available to Norfolk superior court; provided further, that at least eight hundred ninety-five thousand one hundred thirty-six dollars and thirty-six positions be made available to Plymouth superior court; provided further, that not less than 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 at least one million five hundred ninety-nine thousand five hundred forty-two dollars and sixty-nine positions be made vailable to Suffolk superior criminal court; provided further, that at least 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 and sixteen positions	$26,661,525
	District Courts.	
	For Salaries and Expenses.	
0332-0100 For	the salaries and expenses of the administrative staff; including not more than forty-nine positions	$1,850,000
0332-0150 For	a reserve to meet the costs within the district courts, including personnel services and purchases of equipment, subject to the approval of the Chief Administrative Justice of the Trial Court; provided, that funds from this item may be transferred only to other items of appropriation within the district court; provided further, that not less than two million dollars shall be used for a reserve for the extraordinary costs of the ten most overburdened courts, as determined by and subject to approval of the administrative justice of the district court department of the trial court	$3,264,000
0332-1100	First district court of Barnstable, including not more than forty-eight positions	$1,393,980
0332-1200	Second district court of Barnstable (Orleans), including not more than twenty-five positions	$761,473
0332-1300	District court of northern Berkshire (Adams, North Adams, Williamstown), including not more than thirteen positions	$438,100

0332-1400	District court of central Berkshire (Pittsfield), including not more than twenty-two positions	$730,536
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; provided, that said court shall sit in Lee for not less than one and one-half sessions each week, and provided further, that rental costs paid for the Lee facility reflect fair market rents, including not more than ten positions	$342,500
0332-1600	First district court of Bristol (Taunton), including not more than thirty-three positions	$967,806
0332-1700	Second district court of Bristol (Fall River), including not more than fifty-six positions	$1,495,474
0332-1800	Third district court of Bristol (New Bedford), including not more than fifty-five positions	$1,638,796
0332-1900	Fourth district court of Bristol (Attleboro), including not more than twenty-six positions	$771,417
0332-2000	District court of Edgartown, including not more than nine positions	$253,931
0332-2100	First district court of Essex (Salem), including not more than forty-four positions	$1,259,942
0332-2200	Second district court of Essex (Amesbury), including not more than fourteen positions	$425,863
0332-2300	Third district court of Essex (Ipswich), including not more than six positions	$176,649
0332-2400	Central district court of northern Essex (Haverhill), including not more than thirty-four positions	$1,056,749
0332-2500	District court of eastern Essex (Gloucester), including not more than nineteen positions	$593,860
0332-2600	District court of Lawrence, including not more than fifty-six positions	$1,780,215
0332-2700	District court of southern Essex (Lynn), including not more than fifty-five positions	$1,594,249
0332-2800	District court of Newburyport, including not more than twelve positions	$366,994
0332-2900	District court of Peabody, including not more than twenty-nine positions	$931,239
0332-3000	District court of Greenfield, including not more than twenty-four positions	$641,586
0332-3100	District court of Orange, including not more than twelve positions	$339,998
0332-3200	District court of Chicopee, including not more than twenty-four positions	$692,116
0332-3300	District court of Holyoke, including not more than twenty-six positions	$786,158
0332-3400	District court of eastern Hampden (Palmer), including not more than seventeen positions	$563,182
0332-3500	District court of Springfield, including not more than one hundred and fifteen positions	$3,263,867
0332-3600	District court of western Hampden (Westfield), including not more than twenty-one positions	$634,490
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	$1,370,963
0332-3800	District court of eastern Hampshire (Ware), including not more than ten positions	$320,991
0332-3900	District court of Lowell, including not more than eighty-two positions	$2,397,194
0332-4000	District court of Somerville, including not more than sixty-seven positions	$1,898,322
0332-4100	District court of Newton, including not more than twenty-eight positions	$920,672
0332-4200	District court of Marlborough, including not more than twenty-four positions	$805,713
0332-4300	District court of Natick, including not more than nineteen positions	$581,638

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0332-4400	District court of eastern Middlesex (Malden), including not more than sixty-three positions	$1,829,346
0332-4500	Second district court of eastern Middlesex (Waltham), including not more than forty-two positions	$1,242,649
0332-4600	Third district court of eastern Middlesex (Cambridge), including not more than one hundred and six positions	$2,962,259
0332-4700	Fourth district court of eastern Middlesex (Woburn), including not more than fifty-nine positions	$1,649,192
0332-4800	First district court of northern Middlesex (Ayer), including not more than thirty-two positions	$916,264
0332-4900	First district court of southern Middlesex (Framingham), including not more than fifty-five positions	$1,640,334
0332-5000	District court of central Middlesex (Concord), including not more than forty-one positions	$1,219,073
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	$1,560,186
0332-5300	District court of east Norfolk (Quincy), including not more than one hundred and twenty-three positions	$3,539,508
0332-5400	District court of western Norfolk (Wrentham), including not more than thirty-seven positions	$1,089,482
0332-5500	District court of southern Norfolk, including not more than forty-six positions	$1,265,164
0332-5600	*Municipal court of Brookline, including not more than twenty-four positions*	$721,443
0332-5700	District court of Brockton, including not more than eighty-five positions	$2,577,420
0332-5800	Second district court of Plymouth (Hingham), including not more than forty-four positions	$1,242,224
0332-5900	Third district court of Plymouth (Plymouth), including not more than forty-two positions	$1,223,281
0332-6000	Fourth district court of Plymouth (Wareham), including not more than thirty-six positions	$1,076,462
0332-6100	District court of Brighton, including not more than thirty-five positions	$1,045,408
0332-6200	District court of Charlestown, including not more than eighteen positions	$667,569
0332-6300	District court of Chelsea, including not more than forty-eight positions	$1,437,768
0332-6400	District court of Dorchester, including not more than one hundred and eighteen positions	$3,405,999
0332-6500	District court of East Boston, including not more than forty-seven positions	$1,474,673
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	$3,577,777
0332-6700	District court of South Boston, including not more than twenty-four positions	$836,416
0332-6800	District court of West Roxbury, including not more than forty-five positions	$1,421,736
0332-6900	Central district court of Worcester, including not more than ninety-one positions	$2,432,050
0332-7000	District court of Fitchburg, including not more than twenty-five positions	$773,399
0332-7100	District court of Leominster, including not more than twelve positions	$345,538
0332-7200	District court of Winchendon, including not more than three positions	$133,357
0332-7300	First district court of northern Worcester (Gardner), including not more than twenty-five positions	$805,265
0332-7400	First district court of eastern Worcester (Westborough), including not more than thirty positions	$817,047

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0332-7500	Second district court of eastern Worcester (Clinton), including not more than fifteen positions	$425,436
0332-7600	First district court of southern Worcester (Dudley), including not more than twenty-six positions	$821,024
0332-7700	Second district court of southern Worcester (Uxbridge), including not more than eighteen positions	$420,377
0332-7800	Third district court of southern Worcester (Milford), including not more than nineteen positions	$661,618
0332-7900	District court of western Worcester (Spencer), including not more than thirteen positions	$392,505
0332-8100	Middlesex juvenile probation district; provided that, not than one hundred thousand dollars shall be expended for counseling, outreach and family services, including not more than twenty-five positions	$710,325
0332-8200	Northern Essex juvenile probation district, including not more than twelve positions	$384,692
0332-8300	Berkshire juvenile probation district, including not more than seven positions	$241,982
0332-8500	Northern Worcester juvenile probation district, including not more than eleven positions	$341,806
0332-8600	Southern Worcester juvenile probation district, including not more than ten positions	$340,286

Probate and Family Court Department.

For Salaries and Expenses.

0333-0002 For the salaries and expenses of the probate and family court department; provided, that of the amount appropriated herein, not less than 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

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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 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 and forty-five positions $18,410,583

Land Court.

0334-0001 For the salaries and expenses of the office of the land court, including not more than seventy-eight positions $2,324,323

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

Housing Court.

For Salaries and Expenses.

0336-0002 For the salaries and expenses of the housing court department; provided that, of the amount appropriated herein not less than 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 not less than three hundred thirty thousand one hundred nine dollars and thirteen positions be made available to the Hampden housing court; and 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 not less than one hundred and sixty-eight thousand five hundred and forty dollars and eleven positions be made available to the Northeast housing court; provided further, that not less than one hundred

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and sixty-eight thousand five hundred and forty dollars and eleven positions be made available to the Southeast housing court, including not more than seventy-seven positions $2,214,920

Juvenile Court.

For Salaries and Expenses.

0337-0002 For the salaries and expenses of the juvenile court department; provided, that of the amount appropriated herein not less than 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 and twenty-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 $1,309,158

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	75.0%

Item		
For the Salaries of district attorneys and assistants for the eleven districts:		
0340-0100	Suffolk, including not more than two hundred positions	$7,776,695
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
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	$3,524,975
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-one positions	$2,631,459
0340-0560 For	overtime of 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	$1,661,818
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	$3,294,500
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	$2,650,000
0340-0940 For	overtime of state police officers assigned to the Bristol District Attorney's office, to be in addition to any other funds available for this purpose	$175,000
0340-1000	*Cape and Islands, including not more than twenty-four positions*	$1,116,090
0340-1040 For	overtime of state police officers assigned to the Cape 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	$1,006,064
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 victim and witness assistance board, as defined in chapter two hundred and fifty-eight B of the General Laws, may	

Item		
	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%	
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 multidisciplinary 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, shallbe forwarded to the house and senate committees on ways and means on or before October first, nineteen hundred and eighty-nine; 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	$1,822,408
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	$406,234
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	$723,869
0411-1140 For	personnel and administrative expenses for the Office of Constituent Services, Community Services and Women's Issues	$257,409

Item

0411-1150 For staff to the governor, including the governor's office of economic development, the governor's office of human resources, the governor's office of educational affairs and the governor's office of AIDS policy; provided, that the governor, in consultation with the secretaries of said executive offices, shall submit a plan to the house and senate committees on ways and means no later than September first, nineteen hundred and eighty-nine to reduce expenditures for said executive offices by ten percent below the amount expended for said offices in fiscal year nineteen hundred and eighty-nine; provided further, that the governor, in consultation with the secretaries of said executive offices, shall submit the plan required by section one hundred of this act; provided further, that the governor, in consultation with the secretaries of said executive offices, shall submit to the house and senate committees on ways and means no later than September first, nineteen hundred and eighty-nine an attrition plan to reduce the number of state employees by five thousand positions by June thirtieth, nineteen hundred and ninety; and provided further, that seven hundred and seventy thousand dollars for the executive offices *shall not be expended from this item until such time as the plan required by section one hundred of this act has been filed with the house and senate committees on ways and means;* and provided further, that funds from this item may be transferred to the executive offices of administration and finance, environmental affairs, communities and development, human services, transportation and construction, public safety, economic affairs, elder affairs, consumer affairs, energy resources, and labor $1,966,698

0411-9000 For the office of federal relations provided that the attrition plan to be submitted to the house and senate ways and means committee provided under item 0411-1150 shall include recommendations to reduce the number of personnel in the office of federal relations by no less than ten percent $731,381

Lieutenant Governor.

0412-1000 For the salary of the lieutenant governor and for personal services for the lieutenant governor's office $627,277

Governors Council.

0413-1000 For the salaries and personal services of the council, for expenses of the governor and council, and for the expenses and travel of the council from and to their homes $373,715

Item		
	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	$5,873,221
0511-0200 For	the administration of the Archives Division	$554,410
0511-0230 For	the expenses of the Record Center	$179,446
0511-0250 For	the maintenance and operation of the Archives Facilities	$663,308
0511-0260 For	the administration of the Commonwealth Museum	$276,841
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	$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	$1,303,333
0524-0000 For	expenses of compiling and publishing information to voters	$35,000
	Massachusetts Historical Commission.	
0526-0100 For	the administration of the commission	$748,021
	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
	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; provided further, that no funds appropriated under this item shall be expended for acute hospital services; including prior year expenses $2,000,000

Victim and Witness Assistance Fund 75.0%

General Fund 25.0%

0611-5500 For additional assistance to cities and towns, to be distributed according to the provisions of 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 $766,340,669

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-nine; and provided further, that no city or town shall receive more than the amount so certified for that city or town $1,547,500

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 three percent; 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 as hereinafter provided; to reimburse certain cities and towns for pensions to retired teachers; and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems; and including the commonwealth's share of the amounts to be 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 of the General Laws; provided that notwithstanding the provisions of section nine B of chapter twenty-nine of the General Laws, the sum of the amounts herein appropriated and the amounts anticipated to be recovered by the commonwealth under section six B of said chapter twenty-nine or under section five D of chapter forty of the General Laws shall be deposited into the commonwealth's pension liability fund in equal quarterly payments, the first such deposit to be made on July first, nineteen hundred and eighty-nine, unless the amounts required to be paid hereunder for any quarter exceed one quarter of the sum of the amounts herein appropriated and the amounts so recovered, in which case the amount to be deposited into said fund for any such quarter shall be equal to the amount required to be so paid for such quarter; provided further, that all payments for the purposes hereinbefore described shall be made only pursuant to a distribution of monies from the said fund, provided that any such distributions and the payments for which such distributions are required shall be detailed in a written report filed not less frequently than on a quarterly basis by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution; provided further that such distributions shall not be made in advance of the date on which any payment is actually to be made; provided further that the governor shall request a supplemental appropriation in the amount necessary to provide any amount required to be paid hereunder which is in excess of the sum of the amount herein appropriated and the amounts so recovered, and the amount of any such excess shall not be distributed from the commonwealth's pension liability fund nor paid from any other source until such supplemental appropriation shall have been made, and the amounts so appropriated shall be deposited in said fund and distributed therefrom in accordance with the provisions of this item; provided further that the treasurer shall submit a report no later than November fifteenth, nineteen hundred and eighty-nine to the house and senate committees on ways and means detailing all retirement benefits paid to the members of the state employees' and teacher's retirement systems, the reimbursement of local retirement

systems for cost-of-living adjustments and for the costs of increased survivor benefits during fiscal nineteen hundred and eighty-nine, provided further, that said report shall also detail the source and amount of revenue appropriated or otherwise made available to the commonwealth's pension liability fund during fiscal year nineteen hundred and eighty-nine; provided further that any request for distribution from said fund shall not be in excess of the amount necessary to provide sufficient monies to make all payments for the purposes hereinbefore described; provided further that no funds may be expended from this item other than by deposit in the commonwealth's pension liability fund $627,096,000

Local Aid Fund	59.0%
General Fund	33.9%
Highway Fund	7.0% Inland
Fisheries and Game Fund	0.1%

0612-1506 For a reserve, to meet the commonwealth's obligation for the fiscal year ended June thirtieth, nineteen hundred and eighty-nine, pursuant to section twenty-two B of chapter thirty-two of the General Laws, to reduce the unfunded pension liability of public retirement systems, other than state employees' and state teachers' systems, provided that the distribution from this reserve shall be based upon a determination by the secretary of administration and finance of actual payroll costs for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine $2,315,328

Local Aid Fund	100.0%

0612-1507 For the cost of the commonwealth's obligation to assume book to market losses, pursuant to paragraph (c) of subdivision (3) of section twenty-two of chapter thirty-two of the General Laws for fiscal years ending June thirtieth, nineteen hundred and eighty-seven; nineteen hundred and eighty-eight; nineteen hundred and eighty-nine; and nineteen hundred and ninety; provided that the public employee retirement administration shall certify said losses and shall file a schedule of said losses with the secretary of administration and finance and the house and senate committees on ways and means $1,061,871

Local Aid Fund	100.0%

0612-1900 For the authorization of retirement benefits pursuant to chapters seven hundred and twelve and seven hundred and twenty-one of the acts of nineteen hundred and eighty-one, respectively, chapter one hundred and fifty-four of the acts of nineteen hundred and eighty-three; chapter sixty-seven of the acts of nineteen hundred and eighty-eight, and for the widow of a certain police cadet $144,000

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 $16,000,000

Highway Fund	22.0%
General Fund	78.0%

Item			
	Pension for Retired Justices.		
0612-3000 For	pensions of retired judges or their widows		$4,200,000
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		$170,000
	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		$70,350
	Retirement Law Commission.		
0635-0000 For	the administration of the commission		$129,015
0635-0001 For	the cost of the retirement law commission's research projects		$175,000

Item

State Lottery Commission.

0640-0000 For the expenses of the operation and administration of the state lottery; provided, that twenty-five percent of this appropriation shall be transferred from the State Lottery Fund to 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 $61,148,834

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 $146,000

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 $455,334

Debt Service.

0699-1800 For the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund $5,434,217

Local Aid Fund 100.0%

Item		
0699-1801	For the payment of discount on the sale of bonds of the commonwealth previously charged to the State Recreation Areas Fund	$21,144
	Local Aid Fund 100.0%	
0699-1900	For certain serial bonds maturing previously charged to the State Recreation Areas Fund	$4,105,142
	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	$154,184
	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	$168,644
	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	$3,732,304
0699-3801	For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund	$45,898
0699-3900	For certain serial bonds maturing previously charged to the Metropolitan Water District Fund	$5,685,348
0699-4800	For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund	$3,021,693
0699-4801	For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund	$46,388
0699-4900	For certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund	$4,659,615
0699-5800	For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund	$5,889,926
	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	$162,206
	Local Aid Fund 100.0%	
0699-5900	For certain serial bonds maturing previously charged to the Metropolitan Parks District Fund	$6,997,750
	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	$99,619,846
	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	$764,541
	Highway Fund 100.0%	

Item		
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	$79,711,119
	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	$248,368,808
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	$3,336,051
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	$237,298,826
0699-8300	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 Inter City Bus Fund	$164,430
	Inter City Bus Fund 100.0%	
0699-8301	For payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to the Inter City Bus Fund	$3,203
	Inter City Bus Fund 100.0%	
0699-8302	For certain bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inter City Bus Fund	$697,264
	Inter City Bus Fund 100.0%	
0699-8400	For payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Local Aid Fund	$5,946,886
	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	$5,913
	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	$2,051,829
	Local Aid Fund 100.0%	
0699-9100	For the payment of interest on issuance costs of bond and revenue anticipation notes and other notes pursuant to sections forty-seven and forty-nine B of chapter twenty-nine of the General Laws; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of such costs among the various funds of the commonwealth; provided further, that the comptroller shall charge such costs to such funds in accordance with said schedule; and provided further, that any deficit in this item at the close of this fiscal year shall be charged to the various funds or to the General or Highway Fund debt service reserves	$17,000,000

Item			
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		$11,351,852
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		$14,008,001
	General Fund	98.0%	
	Victim and Witness Assistance Fund	2.0%	
0810-0001 For	overtime of state police officers assigned to the department of the attorney general, to be in addition to any other funds available for this purpose		$441,940
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 percent of such expenditure		$1,507,284
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 ninety		$738,505
	Victim and Witness Assistance Fund	100.0%	

Item

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 twenty-two 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

STATE COMPTROLLER.

1000-0001 For the administration of the office, and for the purpose of compliance with the Single Audit Act of nineteen hundred and eighty-four, Public Law 89-502, for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, 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 the office of management and budget regulations; provided further, that not less than one million dollars shall be available for a special federal and non-tax revenue unit which shall operate under policies and procedures developed in conjunction with the office of purchased services and provided further that said funds may not be expended until a plan for implementation is submitted to the house and senate committees on ways and means, including not more than one hundred and twenty-seven positions $5,875,538

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

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, including not more than thirty-five positions $1,075,854

Item

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 $187,000

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 $2,531,540

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 and operation of the office of telecommunications; provided, that said bureau of systems policy and planning shall conduct and complete an update to a data processing survey, of all state departments and agencies, including the judicial branch and all educational institutions under the board of regents, and all said departments and agencies are hereby directed to provide the information or data on such forms as the bureau shall prescribe; provided further, that said bureau may call upon any state department, agency, judicial branch or educational institution, including an on-site visit to verify any such survey information and no department or agency shall refuse entry or fail to cooperate in such verification; provided, however, that the lottery commission, for the purposes of security of information, may impose reasonable restrictions and establish guidelines for proper supervision by it of any such on-site visit; provided further, that a complete report shall be filed on or before January fifteenth, nineteen hundred and ninety, 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

Item		
	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 thirty, including not more than three hundred and seventy positions	$15,337,690
	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 and the State House West Building in Springfield to be utilized as a day care center for state employees; and provided further, that the division of capital planning and operations shall, annually, by March fifteenth, deliver a listing of all surplus property; provided the said listing shall include a listing of all residences owned by the commonwealth and leased or rented to an employee of the commonwealth, said listing shall denote the address of said residential property the monthly rent of said residential property and a statement of the division stating whether or not said residential property could be appropriately used by the commonwealth for a residence for mentally retarded individuals or mentally ill individuals, or physically disabled individuals; including not more than two hundred and ninety-seven positions	$9,814,912
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	$119,522
	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 fifty thousand dollars be available for the restoration and preservation of the historic flags displayed in the state house hall of flags; and provided further, that the state superintendent of buildings shall conduct a study relative to the overnight leasing or renting of state owned and controlled parking spaces in Boston; and provided further, that the superintendent shall make a report, including his findings and recommendations, to the senate and house committees on ways and means on or before October thirty-first, nineteen hundred and eighty-nine, including not more than one hundred and fifty-two positions	$19,060,238

Item		
	Motor Vehicle Management Bureau.	
1102-5201 For	the expenses and administration of a motor vehicles management bureau; provided, the bureau is hereby directed to conduct an inventory of all motor vehicles deemed the property of the commonwealth; provided further, 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 September fifteenth, nineteen hundred and eighty-nine with the house and senate committees on ways and means, including not more than fifteen positions	$406,531
1102-5211 For	purchase, operation and repair of certain motor vehicles management bureau; provided, that the commissioner of administration submit to the house and senate committees on ways and means quarterly reports of expenditures by subsidiary from this item	$2,341,769
	Bureau of Special Investigations.	
1103-5010 For	the administration of the bureau of special investigations, including not more than one hundred and thirty-one positions	$4,700,203
	Purchasing Agent's Division.	
1104-1000 For	the administration of the division, provided, that the secretary of administration and finance shall ensure that adequate resources are provided from this item for the maintenance of the government center medical unit at the same level as in fiscal year nineteen hundred and eighty-nine, including not more than eighty-eight positions	$2,696,002
1104-1010 For	an office of purchased services, including not more than five positions	$309,546
	Office of Handicapped Affairs.	
1107-2400 For	the office of handicapped affairs; and the architectural access board, including not more than twenty positions	$860,000

Item

Office of Human Resource Administration.

1108-0100 For the administration of the offices of human resource administration, including not more than six positions $245,000

Department of Personnel Administration.

1108-1000 For the administration of the department, including the county personnel board; provided that no funds are obligated for 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, including not more than fifty positions $1,500,000

1108-1002 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-three positions $1,022,475

1108-1003 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 further, that notwithstanding the provisions of paragraph (n) of section five of chapter thirty-one or of any other general or law or rule to the contrary, the undersecretary of human resources shall establish a fee of twenty dollars to be collected from each applicant for a promotional civil service examination, and shall provide for the waiver of said fee in appropriate instances, including not more than one hundred and sixteen positions $3,477,340

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 $400,000

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 $432,395

1108-3000 For the administration of the office of contract negotiation; 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 counter proposals which the administration offers or intends to offer to the various classified public employees' unions with which it negotiates; provided further, that nature and scope of such economic proposals shall include all fixed percentage or

dollar base rate salary adjustments, nonbase payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs, including not more than twenty positions $845,322

1108-3200 For the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and ninety 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 $13,660,000

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 forty-five positions $1,452,019

1108-5100 For administration of the group insurance program, including not more than seventy-six positions $2,105,165

1108-5200 For the commonwealth's share of the group insurance premium and plan costs; provided, that not more than four hundred and seventy-five thousand dollars shall be obligated for the evaluation and audit of said premium and plan costs; provided further, that not more than one hundred thousand dollars shall be obligated for the evaluation and coordination of the managed care component of said premium; provided further, that not more than one hundred and fifty thousand dollars shall be obligated for the evaluation and negotiation of premium rates; provided further, that not more than one hundred and fifty thousand dollars shall be obligated for claims utilization analysis; provided further, that the budget bureau shall charge the department of employment and training 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; and the group insurance commission shall obtain reimbursement for premium and administrative expenses from other non-state funded agencies and authorities; 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-nine, said commonwealth's share of the group insurance as

provided in section eight of said chapter thirty-two A shall be ninety percent of the total monthly premiums of rates as established by the commission effective July first, nineteen hundred and eighty-nine; 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 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; and provided further that, notwithstanding any provisions of chapter six A of the General Laws or any other general or special law to the contrary, commencing October first, nineteen hundred and eighty-eight, no health benefit plan offered by the commission shall be liable for any payments on behalf of persons enrolled in said plans to acute hospitals for uncompensated care, as provided in said chapter six A; provided further, that for the purposes of section eighty-seven of said chapter six A and section fifteen of chapter one hundred and eighteen F of the General Laws, "private sector share" shall be defined so as not to include the share of costs incurred by the commission on behalf of persons enrolled in health benefits plans offered by the commission; provided further, that for the purpose of accommodating the delayed receipt of revenues to be retained in item 1108-5300, an amount not to exceed two million dollars may be transferred from item 1108-5200 to item 1108-5300, provided that said amount shall be returned to item 1108-5200, from retained revenues otherwise authorized to be credited to 1108-5300, no later than June thirtieth nineteen hundred and ninety. The group insurance commission is hereby directed to prepare the establishment of a sliding scale for state employee contributions to their health insurance coverage, to provide that the percent of contribution by the employee shall increase as his or her salary level increases; the group insurance commission shall submit a report and any legislation necessary for the implementation of said sliding scale not later than November first, nineteen hundred and eighty-nine to the senate and house committees on ways and means. Said study shall include an analysis of the cost savings to the commonwealth and a detailed report on the necessary steps that must be undertaken to implement said scale by July first, nineteen hundred and ninety $335,334,475

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 $11,867,675

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 sixty-eight positions $3,376,826

1108-6200 For the purposes of workers' compensation paid to public employees $28,267,650

Highway Fund	35.0%
General Fund	65.0%

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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 thirteen positions $507,406

George Fingold Library.

1120-4005 For the administration of the library; provided, that not less than two hundred thousand dollars be obligated for the purchase of books, periodicals, and microfilms to maintain a current government research library collection, including not more than thirty positions $1,056,956

Council on the Arts and Humanities.

1121-0100 For the administration of the council, including not more than twenty-five positions $1,195,295

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 $1,505,200

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

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reporting system; for consultant services related to the development of the masstax system, so-called; provided, that all expenditures for the masstax system shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules approved by said office; provided further, that 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 three hundred and forty-three positions $115,573,897

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 fifty-three positions, and provided further, that no more than forty-six positions shall be available to the district attorneys offices $19,176,692

Local Services.

1231-0100 For the administration of the bureaus of municipal data management and technical assistance, property tax, local assessment and accounts, including the expense of auditing municipal accounts where the circumstances require state assistance to accomplish a specific purpose in the protection of the public interest, for the operation of technical assistance and educational programs for financial officials of the cities and towns, for the monitoring of municipal audits performed by independent public accountants, for the supervision of the installation of accounting systems meeting generally accepted accounting principles, for the expenses of materials which may be sold to cities and towns, including the expenses for developing and implementing a comprehensive and voluntary program of technical assistance and training for cities, towns and districts in local property tax assessment administration and accounting and financial management review; provided, however, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing those cities, towns,

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	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 fifty-two positions		$6,714,477
	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 percent of career incentive salary increases for police officers		$6,700,000
	Local Aid Fund	100.0%	
	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		$1,062,867
1400-0000 For	the low-level radioactive waste management board		$200,000
	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 and forty-nine D of chapter one hundred and seventy-five of the General Laws and for reimbursement for funds previously deposited in the treasury and escheated to the commonwealth, for claims for unpaid checks with 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

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1599-0008 For	a reserve for tort claims	$250,000
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	$21,927,837
1599-3315 For	the transportation of prisoners to and from the several departments of the trial court by the sheriffs of the various counties, including the cost of personal services and the purchase of vehicles and other equipment for said purposes; provided, that the commissioner of administration is hereby authorized to advance to the county treasurer of each county the sums set forth below for each respective county: Barnstable, two hundred seventy-three thousand six hundred and seventy-six dollars; Berkshire, one hundred ninety-four thousand seven hundred and seventy-four dollars; Bristol, two hundred ninety-three thousand nine hundred and fifty dollars; Dukes, sixty-four thousand six hundred and forty-two dollars; Essex, four hundred nineteen thousand seven hundred and 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 and 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 ninety, shall be returned to the commonwealth	$4,725,000
	Local Aid Fund 100.0%	
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 protection and an appropriate designee of cities and towns, to define fully the role of the municipal coordinator in implementing the provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three, and to establish guidelines for purposes of reimbursing cities and towns for reasonable costs associated with the necessary activities of municipal coordinators; and provided further, a report of this	

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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 one hundred thousand dollars shall be available to reimburse cities and towns for the school breakfast act $150,000

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%

1599-3657 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 $62,437

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 each county shall expend during the fiscal year for the operation of county jails and houses of correction an amount not less than the sum of the amount distributed to it from this item and one hundred two and one-half percent of the amount expended for such purposes from tax revenues levied pursuant to sections thirty and thirty-one of chapter thirty-five of the General Laws in fiscal year nineteen hundred and eighty-nine; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place said funds in a separate account within the treasury of each county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the state under this item; provided further, that upon receipt of the state distribution, the treasurer shall be authorized to transfer out of said account an amount equal to funds advanced; provided, further, that, except as provided herein, all funds deposited in said accounts and any interest accruing thereto shall be used solely for the purpose of maintenance and operation of jails and houses of correction $82,512,523

Local Aid Fund 100.0%

1599-3800 For a reserve to be allocated as grants to city, town, county or district retirement systems having accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws, to be calculated and distributed in accordance with subdivision (c) of said section twenty-two D of said chapter thirty-two; provided, that no system shall receive such a grant for the fiscal year ending on June thirtieth, nineteen hundred and ninety unless the applicable legislative

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body, as defined in said section twenty-two D, shall have accepted the provisions of said section and a certificate of acceptance shall have been filed with the commissioner of the division of public employee retirement administration on or before May first, nineteen hundred and eighty-nine; provided further, that said commissioner shall certify to the commissioner of administration and to the house and senate committees on ways and means on July first, nineteen hundred and eighty-nine the amount necessary to provide grants as so-calculated to all such accepting systems, and the amount, if any, by which the amount so-certified exceeds the amount herein appropriated and which is attributable to the cost of providing grants to systems having so-accepted on or after January first, nineteen hundred and eighty-nine shall be made up by supplemental appropriation to this item; provided further, that the commissioner of the division of public employee retirement administration shall certify to the commissioner of administration the actual fiscal year nineteen hundred and ninety funding allocation for such accepting systems on or before November first, nineteen hundred and ninety, and said commissioner of administration shall adjust grants for fiscal year nineteen hundred and ninety-one for any overpayments or underpayments made during said fiscal year nineteen hundred and ninety; and provided further, that the commissioner of administration shall notify the house and senate committees on ways and means thirty days prior to any expenditure from this item $5,500,000

Local Aid Fund 100.0%

1599-3809 For a reserve to reimburse cities and towns for the costs of complying with chapter three hundred and five of the acts of nineteen hundred and eighty-seven $72,408

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: 1) the water resources commission; 2) the division of conservation services including not less than one hundred thousand dollars for regional planning agencies and conservation districts for land use planning and development activities; 3) a program of coastal zone management; 4) a program of review of environmental

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impact reports pursuant to chapter thirty of the General Laws; 5) a program of acid rain research; provided however, that not less than one hundred sixty thousand dollars be appropriated for said program; provided that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any other of those state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies; including not more than eighty-five positions $2,988,250

General Fund	82.9%
Local Aid Fund	11.8%
Inland Fisheries and Game Fund	5.3%

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 $114,934

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 provided that the office of the secretary shall submit recommendations to the house and senate ways and means committee and the joint committee on natural resources and agriculture no later than December thirty-first, nineteen hundred and eighty-nine, to consolidate the hazardous waste siting functions of the hazardous waste facility site safety counsel with the office of safe waste management and to transfer the geographic information system mapping personnel of the site safety counsel to the office of research, testing and standards $225,275

2050-0200 For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws; provided, that the awarding of said grants shall meet with the prior approval of the secretary of the executive office of environmental affairs; provided further, that three hundred thousand dollars shall be obligated for the purpose of reviewing the siting of a rotary kiln incinerator; and provided further, that ninety-eight thousand six hundred and sixty-seven dollars shall be expended for implementation of a geographic information system for environmental data in Massachusetts $398,677

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

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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; provided, that not less than fifty thousand dollars be allocated for the purposes of conducting a study for the protection, management and future use and development of Upton State Forest, provided further, that not less than fifty thousand dollars be allocated for developing an open space park on the eastern shore of Louisa lake, which shall include the construction of adequate parking facilities, landscaping, and the placing of barriers to prevent unauthorized motor vehicle traffic on said park land; including the following programs: 1) 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; 2) the division of water resources, including the expenses of certain flood control commissions and watershed commissions; 3) the dam safety program; 4) the maintenance of property in the town of Plymouth; 5) the operation and maintenance of state piers in New Bedford and Gloucester; 6) the expenses of the North River commission, and the scenic rivers program; 7) 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; 8) the expense of programs in forest management and development, including forestry assistance projects; 9) the office of the state fire warden, and suppression of insect pests and shade tree diseases; 10) the bureau of urban services for administration of the urban heritage parks program; provided that not less than fifty thousand dollars shall be expended for the expenses of the Blackstone River Valley National Heritage Corridor Commission, contingent upon the receipt of federal funds for the same purpose, in addition to any other funds expended for the Blackstone River and Canal Heritage State Park, 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 fifteen, nineteen hundred and eighty-nine, a plan for the distribution of the funds appropriated herein among the major programs as set forth above, such plan to include a narrative statement for each program, the number of personnel to be assigned to each program and a subsidiary account analysis; including not more than seven hundred and thirty-three positions $29,172,376

Local Aid Fund	44.0%
General Fund	56.0%

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2100-1107 For the office of safe waste management, for the administration of a hazardous waste source reduction program, including a program for the disposal of waste oil and household hazardous waste, provided that not less than one hundred thousand dollars shall be allocated for research grants into source reduction technology and methods; said grants to be awarded in consultation with the secretary of the executive office of environmental affairs, including not more than eight positions $873,000

2120-1505 For a grant to the city of Salem for municipal police patrols at Salem Willows $40,000
Local Aid Fund 100.0%

2120-1506 For a grant for the purpose of landscaping at the Old Harbor housing project $120,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Office of the Commissioner.

Notwithstanding any general or special law to the contrary, the department of environmental quality engineering, upon approval of the secretary of environmental affairs, shall provide the secretary of administration and finance and the house and senate committees on ways and means notification of any alterations in programmatic undertakings from those programs listed in the line items below. If within thirty days of notification of said alterations in programmatic undertakings, no action has been taken by either the secretary of administration and finance, or the house and senate committees on ways and means, said alterations shall take effect.

2200-0100 For the administration of the department, including the following programs: 1) the division of water pollution control, 2) the division of water supply, 3) the division of solid 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 this purpose; provided, that an amount not exceeding twenty-eight thousand dollars shall be used for weed control and cleanup at Hoosac Lake in Cheshire, 11) provided, further, that an amount not less than twenty thousand dollars shall be appropriated 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; and

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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-nine, a plan for the distribution of the funds appropriated herein among the major programs as set forth above, such plans to include a narrative statement for each program, the number of personnel to be assigned to each program and a subsidiary account analysis for each program; provided, further, that fifty thousand dollars be obligated to the city of Leominster for emergency, temporary repairs to certain water lines located on Pleasant View avenue in the town of Lunenburg, including not more than six hundred and sixty-seven positions $26,708,941

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 $792,000

2240-0600 For reimbursement to the metropolitan district commission and any city or town or other political subdivision for the commonwealth's share of water pollution abatement projects $596,774

Local Aid Fund 100.0%

2240-0601 For reimbursement to the town of Swansea for funds expended on a facilities study on River and Septic Pollution $50,000

2260-8870 For the expenses of a hazardous waste cleanup program, as authorized by chapter twenty-one E of the General Laws, to be in addition to any unexpended funds remaining in item 2260-7880, as authorized by sections twenty-seven and twenty-eight of chapter two hundred and eight of the acts of nineteen hundred and eighty-eight, including not more than four hundred and sixty positions $7,099,397

Environmental Challenge Fund 100.0%

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 $355,246

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; provided that not less than thirty thousand dollars be allocated for the expenses of a program to restore and preserve the environmental and recreational quality of the Sudbury River, including not more than one position $91,814

Division of Fisheries and Wildlife.

Federal funds received as reimbursements for expenditures from the following items shall be credited as income to the Inland Fisheries and Game Fund.

2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board and payment of damages caused by wild deer, and 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 percent of the amount expended, including not more than one hundred and forty-one positions $4,624,391

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 $172,414

Inland Fisheries and Game Fund 50.0%

Non-Game Wildlife Fund 50.0%

2315-0100 For the administration of a program of non-game management and research, including not more than five positions $313,880

Non-Game Wildlife Fund 00.0%

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 $131,875

Division of Marine Fisheries.

2330-0100 For the administration of the division, including expenses of the Cat Cove marine research station, marine research program, marine recreational fisheries programs, and commercial fisheries, for a shellfish management program including coastal bed classification and mapping activities,

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	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 harbor provided, further, that not more than two hundred thousand dollars shall be allocated for a program of self-help to cities and towns for the cultivation, propagation and suppression of enemies 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 of the amounts appropriated by said city or town for the cultivation, propagation and suppression of enemies 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 suppression of enemies 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, including not more than eighty-five positions		$2,875,798
	Local Aid Fund	7.0%	
	General Fund	93.0%	
2330-0310 For	a Marine Recreational Fish Survey, including not more than four positions		$299,565
	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		$5,531,706
	Inland Fisheries and Game Fund	15.0%	
	General Fund	85.0%	
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.		

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Administration.

2410-1000 For general administration, including not more than forty-one positions $1,671,508

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 percent shall be allocated to participants in the city of Boston, twenty-five percent 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 percent 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 shall be filled by watershed management police personnel, including not more than one hundred and ninety-nine positions $5,485,039

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 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

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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 $30,135,956

Local Aid Fund 31.8%

Highway Fund 68.2%

2440-0015 For the administration of the metropolitan district commission police division; provided, that notwithstanding any provisions of chapter thirty-one of the General Laws, certain members may be temporarily allocated to special secondary ratings in accordance with schedules approved by the house and senate committees on ways and means, a copy of which is on file with the personnel administrator, including not more than six hundred and thirty positions $25,721,752

Local Aid Fund 36.0%

Highway Fund 64.0%

2440-0043 For planning, operation, maintenance and security along the Charles River Reservation for the Head of the Charles Regatta $138,570

2440-0044 For the maintenance, operation and security of municipal recreational facilities throughout the metropolitan district, including the Lynn, Kings, Nahant, Revere, and Winthrop Beaches, the Chestnut Hill Reservoir Reservation, Quincy and Winthrop Shore Drives, Gallivan and Morrissey Boulevards, New England Sports Museum, Mary O'Malley Waterfront Park in Suffolk County, John Fitzgerald Kennedy Memorial Park in Cambridge and the Quincy Quarries; provided that not less than sixty-seven thousand dollars be allocated for police patrols at Revere Beach $300,000

Local Aid Fund 100.0%

2440-0045 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%

2443-2000 For the operation and administration of the Franklin Park and Walter D. Stone Memorial Zoos, including not more than seventy-two positions; provided that the department shall forward to the house and senate committees on ways and means and the executive office for administration and finance biannual reports detailing the amounts expended, by institution, from this item and item 2443-0001 in section two C of this act, provided further, that the first of said reports shall study the manner and feasibility by which said Stone Zoo shall be maintained as a separate, self-supporting facility, provided further, that the department shall submit such reports no later than thirty days following the period reported, provided further, 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 biannually with the house and senate committee on ways and means; provided further, that an amount may be expended for management

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	contracts for the Franklin Park Zoo and the Stone Zoo; provided further, that the metropolitan district commission shall 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 shall be admitted without such admission charge on a scheduled basis		$4,048,416
2444-4591 For	the Mystic sailing program at Shore Drive Boat House in Somerville		$30,000
	Local Aid Fund	100.0%	
2444-4592 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		$1,736,490
	Highway Fund	100.0%	
2444-9004 For	certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center		$481,500
	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 any general 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		$4,016,000
	General Fund	33.0%	
	Highway Fund	67.0%	
	DEPARTMENT OF FOOD AND AGRICULTURE.		
2511-0100 For	the office of the commissioner, including the expenses of the board of agriculture,including not more than nineteen positions		$579,798

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	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, the bureau of milk marketing, including, not less than one hundred thousand dollars for a program to manage the use of herbicides on public rights-of-ways; including not more than fifty-six positions	$1,603,286
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; provided further, that the department of food and agriculture shall compile a progress report on the data obtained from this program, and evaluate its effectiveness, and, in cooperation with the department of public health, make recommendations to eliminate the current duplication of risk assessment work currently undertaken by the two agencies, said report and recommendations to be submitted to the house and senate committees on ways and means and the joint committee on natural resources and agriculture no later than December thirty-first, nineteen hundred and eighty-nine	$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	$993,270
	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	$645,119
	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

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	Division of Equine Activities.		
2518-2500	For the administration of the division, including not more than eight positions		$123,179
	State Reclamation Board.		
2520-0100	For the administration of the board, including not more than three positions		$89,431
	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
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-0900	Suffolk County		$155,056
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1000	Central Massachusetts		$611,321
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1100	Berkshire County		$219,487
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1200	Norfolk County		$382,778
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1300	Bristol County		$415,846
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1400	Plymouth County		$518,281
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1500	Essex County		$499,200
	Mosquito and Greenhead Fly Control Fund	100.0%	
	EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.		
3000-0100	For the office of the secretary, and the general administration of the department, including not more than one hundred and twenty-five positions		$4,496,090
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		$1,500,000
	Local Aid Fund	100.0%	
3000-0301	For the expenses of the council on gateway cities in accordance with the provisions of section forty-three of this act, including not more than five positions		$174,388

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3000-0302 For	additional local aid to gateway cities in accordance with the provisions of section forty-three 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 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	$3,000,000
	Local Aid Fund 100.0%	
3300-0000 For	the expenses of the American and Canadian French cultural exchange commission	$15,000
3722-8878 For	the rental development action loan program	$3,301,847
3722-8880 For	the home ownership opportunity program; provided, that the department is hereby authorized to enter into contract with payment obligations not to exceed twenty-two million dollars	$3,728,979
3722-9001 For	a program of grants to Neighborhood Housing Services Corporations, to fund a neighborhood housing mortgage and 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	$830,628
3722-9002 For	certain financial assistance for housing projects for veterans	$3,999,598
3722-9006 For	a program of rental assistance for families of low income consistent with the regulations governing the chapter 707 rental assistance program, so-called; provided that all chapter 707 certificates, so-called, funded through this item shall be given to families and individuals living in shelters, motels, hotels, or in a public or private place not ordinarily used for sleeping, or who are at risk of entering shelters, motels, hotels, or living in a public or private place not ordinarily used for sleeping, as determined by said chapter 707 regulations; provided further that the executive office of communities and development shall require by regulation that as the use of said chapter 707 certificates currently utilized by eligible families and individuals is discontinued that local housing authorities shall make available on a priority basis said certificates to families and individuals living in shelters, motels, hotels, or in a public or private place not ordinarily used for sleeping, or who are at risk of entering shelters, motels, hotels, or living in a public private place not ordinarily used for sleeping; provided that of said chapter 707 certificates whose use is discontinued by eligible families and individuals, not less than five hundred shall be assigned, in the course of fiscal year nineteen hundred and ninety, to specific projects to develop or to rehabilitate housing for low income families and individuals, said certificates to be funded upon completion and occupancy of each project by those chapter 707 certificates whose use has been discontinued by eligible families and individuals, and	

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	provided further that said project-based certificates so-called, shall be made available for projects which include housing for families and individuals who are living in shelters, motels, hotels, or in public or private places not ordinarily used for sleeping, or who are at risk of entering shelters, motels, hotels, or living in a public or private place not ordinarily used for sleeping; provided further that regional non-profit agencies which administer the section 8 program on behalf of said executive office shall make available on a priority basis section 8 certificates, so-called, to families and individuals living in shelters, motels, hotels, or in a public or private place not ordinarily used for sleeping, or who are at risk of entering shelters, motels, hotels, or living in a public or private place not ordinarily used for sleeping, as submitted to the United States department of housing and urban development, as the use of said section 8 certificates by eligible families and individuals is discontinued; and provided further, that payments for rental assistance may be provided in advance	$4,000,000
3722-9018 For	state financial assistance for supportive services for the purpose of assisting the residents of local housing authorities established pursuant to section three of chapter one hundred and twenty-one B of the General Laws; provided, that the secretary may enter into contracts directly with public housing tenant organizations, including not more than two positions	$5,525,000
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, 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: nineteen million four hundred ninety-eight thousand six hundred and fifty-five dollars for veterans and relocated persons; eleven million five hundred twenty-eight thousand two hundred and fifty-six dollars for the elderly; two hundred seventy-nine thousand two hundred and fifty-six 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, one hundred and eight million eight hundred and seven thousand two hundred and ninety-one dollars shall be deposited in an individual allocation account for the purpose of said rental assistance program; provided further, that not more than ten percent of the amount expended for said rental assistance program may be used for the administration of said program; provided	

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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 fifteen days of any transfer of funds between allocation accounts as set forth in this item; and provided further, that the secretary of communities and development shall conduct or contract for, no less than semi-annually, rent surveys for the purpose of determining the maximum allowable 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, thirteen million four hundred seventy-five thousand one hundred and seventy-five dollars shall be allocated 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 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 payments for rental assistance may be provided in advance, including not more than five positions $154,706,094

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 percent of the units in such projects will be occupied by persons and families who are, at the time of initial occupancy, of low income; provided further, that the department shall, to the maximum extent possible, give priority for funding to projects that provide the greatest number of three or more bedroom units in said project; provided further, that the department

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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-eight million dollars $23,406,555

3722-9101 For reimbursement of cities and towns for the commonwealth's statutory share of federally aided urban renewal $504,157

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 the reimbursement of the commonwealth's share of certain urban revitalization and development projects authorized pursuant to section fifty-four of chapter one hundred and twenty-one B of the General Laws; provided, that 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 $750,000

Local Aid Fund 100.0%

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, infrastructure, and growth management and development plans $350,000

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 $6,000,000

3731-2003 For expenses of community development and municipal program services, including not more than thirty-five positions $1,278,346

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3743-2027 For	providing funds for local community economic development; provided, that contracts are to be awarded to community-based organizations; provided further, that a portion of the amount appropriated herein may be expended for the provision of technical assistance to such organizations; provided further, that not less than sixty-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 not less than fifty 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	$2,034,000
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	$2,250,000
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; 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; and provided further, that the executive office of communities and development may provide monthly payments in advance to participating agencies	$150,000
3743-2039 For	contracting services for the packaging and financing of the rehabilitation, interim management, or emergency repairs of tax delinquent and abandoned or deteriorating properties which are primarily residential; provided, that for the purposes of this item, the preservation of lodging houses or single room occupancy buildings, so-called, shall be given priority for funding; 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	$481,781
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

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3745-1000 For the purpose of providing periodic advance funding for a low income energy assistance program including, but not limited to, the purchase of bulk oil; provided, that such advances are reimbursed by the federal government upon the availability of federal funds under the Low Income Home Energy Assistance Act of nineteen hundred and eighty-one, Title XXVI of the Omnibus Budget Reconciliation Act of nineteen hundred and eighty-one (Public Law 97-35) or any amendments or successor acts thereto. And, for a program of supplemental energy crisis assistance for low income elders and families to be administered in accordance with regulations promulgated under said Low Income Home Energy Assistance Act of nineteen 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 and fifty percent of the federal poverty level or above sixty percent 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 percent 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 $12,699,000

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 percent 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-nine. 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 income persons in private housing; and (e) a detailed accounting of the costs of the program, provided that administrative costs shall not exceed ten percent 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 $397,399

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3747-0001 For the administration of the commission on Indian affairs, including not more than three positions $72,000

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 percent match from local funds, and for the reasonable expenses incurred in the administration of the fund; provided further, that the secretary shall submit quarterly reports to the house and senate committees on ways and means which detail the level of expenditure in each program and the number, type and cost of housing units produced, including not more than eight positions $7,627,461

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 and in paying for interim housing during such removal or covering, 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 sixty-four positions $1,763,972

Item		
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	$269,515
4000-0710 For	a program of operational grants for the purpose of establishing alternatives to incarceration programs to reduce overcrowding in prisons, houses of correction and jails, pursuant to regulations established by the secretary of human services	$1,450,000
	Local Aid Fund 50.0%	
	General Fund 50.0%	
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	$1,387,637
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-eight of this act; 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	$6,225,721
	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	$532,494
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	$207,600

Item

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 $719,041

4001-0010 For an office of auditing and accounts only, notwithstanding the provisions of any special or general law to the contrary, to perform financial and compliance, economy and efficiency, program results, and investigative auditing of any human services agency, and human services vendors contracting with the commonwealth; provided, that at least twenty-five percent 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, and make available, to said office, all records, documents and data relative to such contracts in any form and wherever situated; provided further, that said office may recover commonwealth funds wherever appropriate and upon recovery shall deposit said funds in the General Fund; and provided further, that the office shall submit semi-annually to the house and senate committees on ways and means, to the rate setting commission, to the office of the state auditor, and to 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 $1,101,218

Massachusetts Commission for the Blind.

4110-0001 For the office of the commissioner and bureau of research, including not more than twenty-three positions $1,050,000

4110-1010 For aiding the adult blind $7,678,289

4110-1020 For determining eligibility for a medical assistance program for the blind, including not more than sixteen positions $488,638

Bureau of Individual Services.

4110-2010 For the administration of a talking book program, including not more than two positions $512,751

4110-2040 For certain social services programs, including not more than sixty positions $5,719,632

Item

Bureau of Rehabilitation.

4110-3010 For a program of vocational rehabilitation of the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally reimbursed state employees $1,695,962

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 sixteen positions $1,125,154

Massachusetts Rehabilitation Commission.

Administration.

4120-0010 For the administration of the commission; provided, that the commissioner shall report quarterly to the house and senate committees on ways and means the number of clients served and the amount expended on each type of service provided; provided further, that upon the written request of the commissioner of revenue, the commissioner of rehabilitation shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; provided further, that the information on such lists shall include the client's name, and social security number and the payee's name and other identification, if different from the clients; provided further, that pursuant to an inter-agency agreement between the department of public welfare and the commission, positions authorized herein, up to the amount of sixteen, may be used for the operation of a program of disability determinations, including not more than seventy-five positions $3,414,690

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 $5,947,207

Item

Social Services.

4120-0012 For social services programs; provided that one hundred thousand dollars be obligated for vocational evaluation and employment services for severely physically disabled adults; provided further that not less than one hundred four thousand dollars shall be obligated to fund new supported living services for eight severely disabled persons $17,716,962

4120-0071 For the development and implementation of services to the traumatically head injured $7,509,990

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 fifty-six positions $3,712,496

Office for Children

4130-0001 For the central administration of the office, including not more than thirty positions $1,447,962

4130-0002 Notwithstanding chapter seven hundred and twenty-nine of the acts of nineteen hundred and eighty-seven, for the administration of the Children's Trust Fund, provided that the comptroller is hereby authorized to transfer not more than fifty-nine thousand eight hundred and fourteen dollars to the Children's Trust Fund, provided further that said funds shall be available without further appropriation, including not more than two positions $175,000

4130-0005 For field operations licensing; provided that no less than one hundred and sixty-seven positions be assigned to a program of licensing; provided further, that no more than two hundred and seventy thousand dollars shall be expended for a program addressing the problem of day care affordability, provided, however, that funds allocated for the day care affordability program shall not be expended for administrative functions within the office for children or the department of social services; provided further, that office for children shall establish uniform inspection and licensure standards for residential schools attended by children eligible for services under chapter seventy-one B of the Massachusetts General Laws, including not more than two hundred and eighteen positions $7,874,966

4130-0006 For a program of training for day care providers $570,000

4130-0007 For advocacy field operations; provided that the office for children submit to the house and senate committees on ways and means a plan for the phase-out of the advocacy function within forty-five days of passage of this act, including not more than seventy-three positions $2,065,900

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4130-0016 For child care resource and referral centers; provided, that such centers shall provide matching funds or in-kind donations of twenty percent of total cost during the first year of their operation; provided further that subsequent to the first year of operation, the centers shall provide matching funds or in-kind donations of an increasing amount to be determined under a formula to be developed by the office for children, subject to the approval of the commissioner of administration; provided further, that said formula shall take into consideration community needs and resources; provided further, that a cost of living adjustment of 4.25% shall be applied for six months for all employees of said child care resource and referral centers, including not more than two positions $1,925,000

Commissioner of Veterans' Services.

4170-0010 For the office of the commissioner, including not more than forty-eight positions $1,550,000

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, provided that not less than eighty thousand dollars be provided to each of the eleven outreach centers $1,044,619

4170-0300 For the payment of annuities to certain disabled veterans $133,532

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 percent to be reimbursed by the commonwealth and twenty-five percent to be reimbursed by the cities and towns; provided that the total cash benefit shall be increased by four and one-half percent beginning July first, nineteen hundred and ninety $11,040,165

Local Aid Fund 100.0%

4170-0650 For the continuation of a unit to be based at Rutland Heights Hospital 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

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance of the home, including not more than five hundred and forty positions $15,903,445

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 eighteen positions $519,837

Item		
	Soldiers' Home in Holyoke.	
4190-0100 For	the maintenance of the home, including not more than three hundred and seventy positions	$10,377,894
4190-0101 For	the maintenance of an adult day care program at the Soldiers' Home in Holyoke, including not more than eight positions	$161,198
	DEPARTMENT OF YOUTH SERVICES.	
4200-0010 For	the administration of the department, including not more than ninety-four positions	$3,515,680
4202-0021 For	the purchase of service for certain residential care programs, including certain secure programs, and for certain non-residential programs, in accordance with the provisions of chapter twenty-eight A of the General Laws	$37,500,000
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, including not more than one hundred and eighty positions	$6,359,489
4238-1000 For	the operation of the secure facilities administered and operated by the department, including not more than three hundred and seventy-five positions	$12,037,000
	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; provided further, that notwithstanding any provisions of law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies; and provided further, that 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 eighty-five positions	$6,182,913
4311-0003 For	a program of correctional residential services; provided, that not less than two hundred and sixty thousand dollars shall be obligated for a work-connected alternative to sentencing program in Lynn, Salem and Brockton district courts; provided further, that not less than two hundred thousand dollars shall be obligated for aid to incarcerated mothers, including not more than twenty-eight positions	$4,890,888
4311-0004 For	a health services program; provided that not less than 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	$23,896,704

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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 from the Highway Fund to the General Fund, including not more than one hundred positions	$4,124,715
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 fifteen positions	$3,854,503
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	$977,064
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
4349-0001 For	the administration and operation of the commonwealth's correctional facilities, including not more than four thousand seven hundred positions	$164,900,000
4349-0008 For	county and state overcrowding relief, including the 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, and for a day reporting center and a correctional alcohol treatment facility in Hampden County; 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 ninety shall be returned to the commonwealth; provided further, that all persons employed by said sheriffs pursuant to said agreements shall be considered county employees; provided further, that funds advanced to the county treasurers pursuant to these agreements may be spent for any services or items of supply or equipment which the sheriffs require to carry out the purpose of said agreements; such expenditures may include but are not limited to salaries, travel, uniform allowance, purchase and maintenance of equipment, and selecting contractual and professional services; and provided further, that no permission will be required for the sheriffs to transfer funds among codes or subcodes at the county level	$21,489,966
4349-0020 For	the alleviation of overcrowding at MCI-Framingham, including not more than forty-two positions	$1,251,336

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4349-0025 For a reserve to fund state correctional expansion programs, including personnel services and purchases of equipment; provided, that funds from this item may be transferred to other items of appropriation within the department of correction; provided further, that the house and senate committees on ways and means shall be notified quarterly of all expenditures made from this line item $6,491,174

Parole Board.

4380-0001 For the office of the board, including not more than two hundred and forty-five positions $9,895,253

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 and the secretary ofadministration and finance 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 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, the description of the amount, duration, and purpose of each agreement.

4400-1000 For department management and support services including the development and maintenance of automated data processing systems and services in support of department operations, and for the administration of department programs in local welfare offices including a program of health services for certain recipients and the expenses of operating a food stamp program; provided, that the consolidation of local welfare offices shall be subject to prior approval of the house and senate committees on ways and means; and provided, that all expenditures for the development and maintenance of automated data processing systems and services in support of department operations and the MPACs project 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 three thousand eight hundred and ninety-eight positions $138,500,000

4400-1003 For the administration of the medicaid program, including a central automated vendor payment system and utilization review of medical assistance services; provided, that not less than two hundred thousand dollars be obligated for outreach activities targeting pregnant women through an interagency agreement with the department of public health, including not more than three hundred and eighty-five positions $14,876,631

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4400-1009 For a program to provide employment, training and voucher day care, so-called, for recipients and recent recipients of aid to families with dependent children and the absent parents of said recipients; provided, that the department may allocate funds to other agencies for this program; provided further, that the voucher day care program shall be available for participants in said employment and training program and for former participants within up to one year of completion of said program; provided further, that no "extended vouchers", so-called, shall be paid from this account; 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 any participating voucher provider with fifty or more voucher placements, where said placements constitute fifty or more percent 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 a participant receiving a voucher must make all reasonable efforts to use said voucher in a day care facility that contracts with the department of social services; 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; provided further, that the department shall report to the house and senate committees on ways and means by January first, nineteen hundred and ninety on revenue projections and the impact of federal regulations pursuant to the federal welfare reform act; and provided further, that said expenditures shall not exceed appropriation, including not more than ninety-seven positions $78,853,409

Reemployment and Job Placement Fund 6.8%

General Fund 93.2%

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 may allocate funds to other agencies for the purposes of this program $5,000,000

4402-5400 For a medical assistance program for the elderly; provided, that no expenditures of commitment made pursuant to these items or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine, as amended, for the purpose of complying with the provisions of Public Law 89-97, Title XIX, shall be incurred in excess of available funds which have been appropriated therefor; provided further, that all judgments, appeals, rate changes and settlements authorized by chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-two, as amended, for services provided in prior fiscal years, but finally determined during the current fiscal year may be paid from this item; 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 the department of public

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	welfare is authorized to provide certain primary and supplementary medical care and assistance 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, as provided in section one B of chapter one hundred and eighteen E of the General Laws as amended by chapter twenty-three of the acts of nineteen hundred and eighty-eight; provided further, that funds may be expended from this account for administrative costs associated with cost containment efforts, and provided further that any such expenditures are approved by the commissioner of administration	$884,194,916
4402-5500	For a medical assistance program for the disabled; provided, 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 judgments, appeals, rate changes and settlements authorized by chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-two, as amended, for services provided in prior fiscal years, but finally determined during the current fiscal year may be paid from this item; 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 the department of public welfare is authorized to provide certain primary and supplementary medical care and assistance 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, as provided in section one B of chapter one hundred and 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 herein shall be expended for the payment of abortions not necessary to prevent the death of the mother; and provided further, that funds may be expended from this account for administrative costs associated with cost containment efforts, including not less than one hundred thirty-three thousand three hundred and thirty-four dollars shall be available to the Massachusetts Legal Assistance Corporation to provide representation through a disability representation project and a medicare advocacy project, provided that any such expenditures are approved by the commissioner of administration; provided further that at least one million five hundred thousand dollars shall be expended for a program of managed care and alternatives to inpatient care for recipients with acquired immune deficiency syndrome; and provided further that the Rate Setting Commission shall establish appropriate rates for community health center and home health care services provided to recipients with AIDS	$498,729,777

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4402-5600 For a medical assistance program for families; including a program of special education medical services provided to medicaid children; provided, 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 judgments, appeals, rate changes and settlements authorized by chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-two, as amended, for services provided in prior fiscal years, but finally determined during the current fiscal year may be paid from this item; 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 the department of public welfare is authorized to provide certain primary and supplementary medical care and assistance 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, as provided in section one B of chapter one hundred and 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 herein shall be expended for the payment of abortions not necessary to prevent the death of the mother $443,924,307

4403-2000 For a program of aid to families with dependent children; provided, that the standard shall be increased four percent as of July first, nineteen hundred and eighty-nine 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 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-nine; 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-nine; 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

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amount of ninety 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; 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 $535,203,222

4403-2100 For a program of emergency assistance for recipients of aid to families with dependent children; provided, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program; provided further, 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; and provided further, that funds from this item expended for emergency shelter costs shall be subject to federal reimbursement $45,900,000

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants 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; and provided further, that the expenses of a program to aid applicants in becoming eligible for said supplemental security income program may be paid from this item $125,428,378

4406-2000 For a program of general relief, including a program of emergency assistance; provided, that the payment standard shall be increased four percent as of July first, nineteen hundred and eighty-nine; 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-nine; provided further, that no changes in the eligibility criteria for benefits under this program shall be implemented without the prior written approval of the house and senate committees on ways and means; provided further, that to recognize the special needs of recipients who must obtain private housing in the tight Massachusetts housing market, a 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 $129,500,000

4406-3000 For a program of assistance to homeless families and individuals, and families and individuals in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search, and limited related services to the homeless and indigent; provided, that not less than eight million dollars shall be obligated for a contract with the Pine Street Inn located in the city of Boston; provided further, that not less than seven hundred sixty thousand two hundred and twenty-five dollars be obligated for a comprehensive multi-service day program for the homeless; and, provided, that the department, may allocate funds to other agencies for the purposes of this program; and that two hundred thousand dollars be used to establish a permanent homeless shelter for Franklin County; and that two hundred thousand dollars be obligated to establish a homeless shelter for the Fitchburg/Leominster/Gardner area $30,400,000

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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	$1,291,830

DEPARTMENT OF PUBLIC HEALTH.

The department of public health shall submit quarterly to the house and senate committees on ways and means a status report on all public health hospitals, by individual hospital, including, but not limited to, inpatient and outpatient utilization, costs, revenues, personnel, contract expenditures, and capacity by service and use of such facilities by other state agencies and vendor programs.

4510-0100 For	the administration of the department and the division of local health services; 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	$3,923,498
4510-0102 For	the administration of the division of environmental epidemiology and toxicology and 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 twenty-five positions	$614,119
4510-0103 For	the administration of the division of health promotion; including not more than fifteen positions	$691,501
4510-0106 For	the space rental costs of the department	$2,727,940
4510-0110 For	community and other health centers operational grants program; provided, that notwithstanding any general or special law to the contrary, not less than seventy thousand dollars shall be expended for South Boston Community Health Center; provided further, that notwithstanding 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 Center, including not more than four positions	$1,474,752

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4510-0115 For	a grants program to support Alzheimer's disease research	$160,000
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 percent of the amounts so expended, including not more than one hundred positions	$3,379,458
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	$44,484
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	$80,000
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	$240,000
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 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	$5,209,298
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	$649,616

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4510-0790 For	an office of emergency medical services and for a program of nursing services within the control of emergency medical services; provided, however, that not less than three hundred and seventy-five thousand dollars shall be obligated for the operation of regional emergency medical services councils and regional communication centers, including not more than ten positions	$697,199
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 three million one hundred thousand 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; 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 percent 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-nine expenditures; and provided further, that at the end of fiscal year nineteen hundred and ninety, 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	$20,000,000
4512-0200 For	the administration of the division of alcoholism and division of drug rehabilitation; provided that not less than two hundred sixty-six thousand seven hundred and seventy-six dollars shall be obligated for an ambulatory alcohol and drug free case management program, including not more than thirty-seven positions	$39,650,348

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4512-0500 For a dental health program, including dental services at state schools for the retarded and community-based statewide dental programs for the mentally retarded; including not more than seven positions $2,645,089

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 six hundred thirty-eight thousand dollars shall be expended for rape prevention and victim services of which no less than one hundred thousand dollars shall be expended for the Worcester region and no less than forty-five thousand dollars shall be expended for the Blackstone Valley Rape Crisis Center; provided further, that not less than one million, four hundred and eighty-nine thousand and thirty-six dollars shall be expended for comprehensive adolescent health and pregnant and parenting programs; provided further, that two hundred and fifty thousand dollars shall be expended on community-based perinatal outreach and education programs targetted to those communities with severe infant mortality issues, including not more than one hundred and twenty positions $20,462,648

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 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 $7,325,000

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 pursuant to an interagency agreement established with the department of public welfare, the department of public health shall determine the eligibility for low income pregnant women for Title XIX and women eligible for services under section one A of chapter one hundred and eighteen E of the General Laws; 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

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	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	$3,220,179
4513-1006 For	a hospice program for children	$25,000
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	$15,060,000
4518-0100 For	the administration of the office of health statistics analysis and for the operation of a cancer registry and occupational lung disease registry, including not more than fifty-seven positions	$1,940,000
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 the item shall* include not more than three thousand four hundred and sixty-five positions	$40,936,929

DEPARTMENT OF MEDICAL SECURITY.

4600-1000 For	the administration of the department of medical security, including not more than forty-three positions	$2,050,000
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 committees on ways and means detailing all administrative expenditures from this item on said costs	$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, to be deposited in the Medical Security Trust Fund as specified in section sixteen of chapter one hundred and eighteen F of the General Laws	$12,000,000

DEPARTMENT OF SOCIAL SERVICES.

Notwithstanding any provision of general or special law to the contrary, the department of social services shall report monthly to the house and senate committees on ways and means the current social worker caseloads by type of case and level of social worker assigned to cases.

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Notwithstanding any provision of general or special law to the contrary, the department of social services shall report to the house and senate committees on ways and means within sixty days of the effective date of this act the number of extended vouchers, so-called, projected to be converted to basic contracted slots during fiscal year nineteen hundred and ninety by category and region; provided further, that the department shall report quarterly to the house and senate committees on ways and means the amount expended on contracted and voucher day care, and shall include the total number of slots by category, occupancy by category, and the cost by category for each line item funding source, in addition to the status of the alternating intake system and client waiting lists at all day care centers with which the state contracts, and the number of day care vouchers converted into contracted slots by region and category.

Notwithstanding any provision of general or special law to the contrary, the department of social services shall report quarterly to the house and senate committee on ways and means the amount expended on women in transition services; said report shall include the number of service units by category, utilization by category, and cost by category; and provided further, that during the fiscal year ending on June thirtieth, nineteen hundred and ninety the department shall expend not less than five million six hundred and fifty thousand dollars on services to women in transition.

Notwithstanding any provision of general or special 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.

Notwithstanding any provision of law to the contrary, the department of social services shall provide spending plans to the house and senate committees on ways and means for the federal grant entitled social services block grant.

4800-0015 For the central and regional administration of the department; provided, that unless otherwise authorized to be expended, all funds including any federal reimbursements received by the department shall be credited to the General Fund; including not more than three hundred and sixty positions $14,341,763

4800-0020 For the delivery of permanency services to children in the care of the department, including the provision of adoption and guardianship 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,

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	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	$21,751,602
4800-0025	For a program of foster care review, including not more than sixty-two positions	$2,271,285
4800-0030	For the delivery of foster care services to children in the care of the department, including not more than two thousand four hundred and fifty children in care more than twenty-four months, including the provision of foster care subsidies, service of foster families, and reimbursements to foster parents for extraordinary expenses incurred; provided, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund	$38,100,000
4800-0040	For *the delivery of group care services to children in the care of the department*; provided, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund	$59,400,000
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	$597,413
4800-0060	For a program of day care 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 vacant contracted basic slots will be filled through an alternating intake system monitored by the department of social services; provided further, that any participating voucher provider with fifty or more voucher *placements, where said placements constitute* fifty or more percent 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 percent 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 percent 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	$70,597,748
4800-0150	For the administration of the department's area offices, including not more than four hundred and fifty positions	$19,172,288
4800-0250	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 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 level of contracted social services and full time equivalents which can be supported with funds from this line item without incurring a deficiency; provided further, that two hundred and fifty thousand dollars shall be obligated for expansion of transitional living services to battered women; provided further, that no less than one hundred and twenty-five thousand dollars shall be obligated for a shelter for battered	

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	women and children in the Framingham area; provided further, that not less than two million six hundred eighty-seven thousand two hundred and fifty-nine dollars shall be expended for the provision of comprehensive family planning services; provided further not less than three million nine hundred and seventy thousand six hundred and thirty-seven dollars shall be expended for school and community based services for young parents, including not more than one thousand eight hundred and seventy-three positions	$69,364,051
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 percent 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	$14,036,624

DEPARTMENT OF MENTAL HEALTH.

Notwithstanding any general 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 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 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 in the community as well as the program in which they will be placed, and the dates on which they are to be deinstitutionalized.

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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, number of clients being served and the use of such facilities by other state agencies.

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 $22,833,488

5046-0000 For mental health services for adult clients; provided, 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 $159,014,605

5047-0000 For mental health services for children and adolescents; provided, that of the sum appropriated 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 $50,154,501

5049-0000 For forensic mental health services, including not more than one hundred and twenty-two positions $7,678,539

5051-0100 For the operation of community mental health centers, including not more than two thousand three hundred and eighty-four positions $88,123,268

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 thousand one hundred and fifty-six positions $175,667,284

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 one hundred positions $6,586,500

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.

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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 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 $3,300,000

5911-0025 For transportation services for mentally retarded persons attending educational, habilitational or day care service or facilities of the department, said persons being no longer eligible for such services under the provisions of chapter seven hundred and sixty-six of the acts of nineteen hundred and seventy-two, notwithstanding the provisions of any general or special law to the contrary, including not more than twelve positions $31,272,482

5911-0100 For the administration and general services of the department, including not more than three hundred forty-nine positions $11,906,562

5947-0000 For mental retardation services, for children and adolescents $3,974,586

5948-0000 For mental retardation services; provided, that a maintenance of effort be made to continue services to retarded person in the community who are not eligible for services through chapter

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seventy-one B of the General Laws or consent decrees; provided, further, that no less than one million two hundred thousand dollars be expended for new respite care services, including not more than six hundred and fifty-one positions $253,212,660

5983-0100 For the operation of facilities for the mentally retarded, including not more than ten thousand four hundred and fifty positions $286,000,000

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 $401,074

Highway Fund 100.0%

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 provided, that notwithstanding the provisions of any general or special law to the contrary, in no case shall the state's contribution to the operating budget of the MBTA in fiscal year nineteen hundred and ninety-one exceed one hundred and five percent of the state's contribution to the operating budget of said authority in fiscal year nineteen hundred and ninety $198,450,097

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 $111,088,745

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%

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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-nine and ending June thirtieth, nineteen hundred and ninety, may enter into contracts with the authorities providing that, notwithstanding the provisions of section one hundred and fifty-two A of chapter one hundred and sixty-one, and of section twenty-three of chapter one hundred and sixty-one B of the General Laws, at least fifty percent and up to seventy-five percent of the net cost of service of each authority incurred in fiscal year nineteen hundred and eighty-nine shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities $20,607,364

General Fund 80.0%

Highway Fund 20.0%

6005-0017 For certain payments to cities and towns as authorized by clause (c) of section thirteen of chapter sixty-four A, 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 $25,545,800

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 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 and eighty-nine, 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 and ninety, in the 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, provided that said additional expense of bus service shall be not less than two million dollars, in accordance with the provisions of section twenty-eight A of chapter one hundred and sixty-one

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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 $6,000,000

General Fund 80.0%

Highway Fund 20.0%

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; provided further, that notwithstanding any other general or special law to the contrary, those positions provided for in section five of chapter sixteen of the General Laws shall be classified in accordance with section forty-five of chapter thirty, and the salaries for such positions shall be determined in accordance with section forty-six C of said chapter thirty, including not more than three thousand two hundred and forty-three positions $91,300,000

Highway Fund 100.0%

6010-0009 For a program for the planning and design of projects, and for grants to cities and towns, to alleviate traffic congestion at various locations as determined by the department; provided, that not less than 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 $174,500

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
	Highway Fund	100.0%	

Outdoor Advertising Division.

6020-2505 For	the administration of the board, including not more than five positions		$180,000

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:

6030-7301 For	the expenses of traffic line painting		$700,000
	Highway Fund	100.0%	
6030-7401 For	the purchase of materials and supplies for the maintenance and operation of state highways and bridges		$1,700,000
	Highway Fund	100.0%	
6030-7403 For	the expenses of fleet management and maintenance equipment provided that notwithstanding the provision of any administrative bulletin, general or special law to the contrary, the or maintenance of department shall not pay any fees charged for the leasing vehicles		$3,285,440
	Highway Fund	100.0%	
6030-7601 For	maintenance and operation of state highways and bridges		$6,383,777
	Highway 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%	

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EDUCATION.

Libraries.

7000-9101	For	the administration and expenses of the board of library commissioners, including not more than twenty positions	$742,455
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 seventy-one cents per resident in the commonwealth; provided further, that notwithstanding the provision of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located to such regional public library is below an amount equal to its appropriation for free public library service for the year immediately preceding, increased by two and one-half percent	$10,369,567
		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 percent 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	$1,300,000
		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 Commissioners' Office.

7010-0005 For	the general administration of the department, including not more than two hundred forty-eight positions	$9,750,000
7010-0008 For	the purchase of equipment and services to automate the teacher certification system	$160,012
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 of actual and specifically documented incremental costs including those costs incurred pursuant to chapter seventy-one of the General Laws incurred as a direct consequence of participation in the program whenever the reimbursements requested by such city, town or regional school district exceed the level of reimbursements received in fiscal year nineteen hundred and seventy-seven; provided further, that the board of education shall establish a uniform procedure by which the categories and amount of incremental costs directly consequent to participation in the program shall be determined and reported by cities, towns and regional school districts; provided further, that the board of education shall certify to the accuracy of said incremental costs determination to the house and senate committees on ways and means before September first, nineteen hundred and eighty-nine; 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 percent 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; 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; and provided further, that the provider for this program shall be selected only after the solicitation of three or more bids	$13,192,245
	Local Aid Fund 100.0%	

Item		
7010-0025	For the development, administration and scoring of a statewide assessment test and a statewide basic skills test	$1,200,000
7010-0042	For grants to cities, towns or regional school districts for the cost of providing magnet educational programs in accordance with the provisions of section thirty-seven I and thirty-seven J of chapter seventy-one of the General Laws; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that any portion of this appropriation item may be expended by the state board of education to purchase magnet educational programs; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation; provided further, that of the sum appropriated herein, not less than two hundred thousand dollars be obligated for magnet education programs in the city of Lynn	$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	$9,320,000
	Local Aid Fund 100.0%	
7027-0016	For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for said programs in consultation with the secretary of economic affairs; provided further, that any funds that are distributed under this item to cities, towns, or regional school districts shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee without further appropriation; provided further, that each grant awarded herein shall be matched by the recipient from local, federal or private funds; 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	$1,200,000
	Local Aid Fund 100.0%	

Item

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws; provided, that the department shall provide services to eligible inmates in county houses of correction in accordance with and during the preliminary injunction issued by the United States District Court, District of Massachusetts; 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 seventeen positions $9,639,480

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 $409,759

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 provision of special education to certain children transferred from the department of public welfare to the department of education; provided, that said children transferred from the department of public welfare to the department of education were placed by the department of public welfare in a private special education program as of September first, nineteen hundred and seventy-four, have continued to attend such program at the expense of the department of public welfare up to the date of said transfer, and continue to need such special education program; provided further, that notwithstanding the provisions of any general or special law to the contrary, all increases in the rate paid to an institution or school for services provided in a prior fiscal year may be funded with monies appropriated herein; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation $8,000,000

7030-0200 For the operation of the regional education centers, including not more than one hundred and twenty-five positions $4,100,000

Item				
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 percent 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 less than four million dollars be used to supplement the salaries of Head Start employees			$6,100,000
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			$250,000
	Local Aid Fund	100.0%		
7030-2000 For	grants to cities, towns, regional school districts and educational collaboratives for basic skills remediation programs for students in grades one through nine and dropout prevention programs for students in grades seven through twelve, pursuant to the provisions of section fifty-two of chapter fifteen of the General Laws; provided, that seventy-five percent of said funds shall be allocated to basic skills remediation programs and twenty-five percent of said funds shall be allocated to dropout prevention programs; and provided further, that of the amount appropriated herein, no more than four hundred and fifty thousand dollars shall be allocated for science kit 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			$9,000,000
	Local Aid Fund	100.0%		
7030-2001 For	the expenses of the Commonwealth Futures Program			$1,000,000
	General Fund	10.0%	Local	
	Aid Fund	90.0%		
7030-3000 For	the operation of a leadership academy by the department of education			$225,000

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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 further, 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 grants to cities, towns, and regional school districts, 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 special law to the contrary $100,000

Local Aid Fund 100.0%

7030-5000 For the establishment of the Educational Technology Trust Fund to provide support for the development and dissemination of new uses of educational technologies and to award grants to cities, towns, regional school districts, independent vocational schools, and educational collaboratives for projects to demonstrate innovative applications of electronic technology to curriculum and instruction, pursuant to section fifty-six of chapter fifteen of the General Laws; provided, that the use of these funds be limited to noncapital 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 nonpublic schools who meet the same criteria as we 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 percent

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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 $600,000

Local Aid Fund 100.0%

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 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 $1,500,000

Local Aid Fund 100.0%

7035-0002 For the expenses of providing basic educational attainment and work-related programs in reading, writing and mathematics at adult learning centers; provided, that one million eight 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 percent of whom have less than sixth grade language and math competence; provided, further, that of the sum appropriated herein, ninety-three thousand five hundred dollars shall be obligated for the purchase of equipment at a certain school in Franklin county $4,513,714

Local Aid Fund 100.0%

7035-0004 For the reimbursement of cities, towns and regional school districts and independent vocational schools for certain expenditures for transportation of pupils pursuant to the provisions of 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 percent 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 $64,500,000

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%

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 ninety shall not exceed twenty-two million and five hundred thousand dollars, of which amount not more than thirteen million and five hundred thousand 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 $8,542,781

Local Aid Fund 100.0%

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 percent of the principal and interest of the project of the Blue Hills Regional School District shall be reimbursed as it comes due in accordance with the agreement between the Blue Hills School District and Board of Trustees of Massasoit Community College $120,000,000

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%

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7053-1909 For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act $5,426,986

Local Aid Fund 95.0%

General Fund 5.0%

7053-1910 For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons $1,195,000

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 ninety shall be equivalent to the amounts listed in section three of this act $102,336,138

Local Aid Fund 100.0%

7061-0007 For grants to cities, towns and regional school districts for the direct cost of programs of instruction approved in accordance with section seven B of chapter seventy-four of the General Laws, for apprentices as defined in section 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 of this act $1,218,543,471

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%

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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 laws 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-nine; provided, that the commonwealth shall not pay more than sixty percent of the cost of any such residential placement $25,500,000

Local Aid Fund 100.0%

7061-1000 For equal education opportunity grants to cities, towns, regional school districts and independent vocational schools to increase spending on direct services in districts where actual expenditures on direct services in fiscal year nineteen hundred and eighty-eight or prior years was less than eighty-five percent of the state average of such expenditures, pursuant to chapter seventy A of the General Laws; provided, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school district or independent vocational school and held as a separate account and shall be expended by the school committee of such city, town, regional school district or independent vocational school without appropriation, notwithstanding the provisions of any general or special law to the contrary; and provided further, that of the sum appropriated herein, twenty-nine million dollars be distributed by the state treasurer on or before August first, nineteen hundred and eighty-nine, to eligible school districts pursuant to chapter seventy A of the General Laws as applicable for fiscal year nineteen hundred and eighty-nine $110,000,000

Local Aid Fund 100.0%

7061-4000 For the school improvement fund to award grants to cities, towns, regional school districts, independent vocational schools and educational collaboratives for distribution to every school 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-nine multiplied by ten 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,

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educational collaborative, or independent vocational school and held as a separate account and shall be expended by the school committee of such city, town, regional school district, educational collaborative or independent vocational school without appropriation, notwithstanding the provisions of any general or special law to the contrary $7,600,000

Local Aid Fund 100.0%

7061-5000 For grants to cities, towns, regional school districts, educational collaboratives and independent vocational schools to be distributed to designated Horace Mann teachers who take on expanded responsibilities in public schools or school districts, pursuant to section one G of chapter fifteen of the General Laws; provided, that no individual teacher receives a commonwealth grant of more than two thousand five hundred dollars; 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 appropriation, notwithstanding the provisions of any general or special law to the contrary $3,413,233

Local Aid Fund 100.0%

BOARD OF REGENTS.

7066-0000 For the office of the board of regents, including not more than eighty positions $3,410,721

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 thirty-six positions $2,450,000

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 $53,500

7066-0008 For an office of compliance, reporting to the chancellor of 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 $167,340

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	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	$3,768,642
7070-0033 For	a collaborative engineering program administered by the board of regents	$429,120
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 program, the Massachusetts 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, the Massachusetts educational employment program and the Massachusetts Adult Learner program; provided, that not less than three hundred thousand dollars shall be obligated for nursing scholarships at institutions of higher learning located within the commonwealth; provided further, that the limitations on the total amount of scholarships awarded to students to 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 an amount not to exceed one and one-half percent of this appropriation may be used for the costs of administering the scholarship programs, including but not limited to the costs of contracting for data processing services; and provided, further, that not less than one hundred and forty thousand dollars shall be obligated for higher education information and awareness programs including the expenses of the Statewide Youth Educational Awareness Program and a toll free information telephone service 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; including not more than sixteen positions	$84,000,000
7077-0020 For	the expenses of the New England Board of Higher Education and for the expenses of the members of said board	$400,000
7077-0021 For	payments to certain universities, on acceptance of certain Massachusetts students into medical, dental, veterinary medical, related health and physical and occupational therapy programs; provided, that contracts relative thereto include a provision for payback service to the commonwealth for a period after said students have fulfilled all internship and residency	

requirements; provided, that contracts relative thereto are approved by the chancellor of the board of regents; and provided further, that contracts entered into with medical students shall be administered in conjunction with the State Health Education Center at the University of Massachusetts Medical Center $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 including services to the department of food and agriculture 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 $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-nine, allocate from this appropriation an amount equal to up to eighty percent of the fiscal year nineteen hundred and eighty-nine 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, that a reserve of one million two hundred thousand dollars shall be available solely to meet the extraordinary fuel expenses of the University of Massachusetts at Boston, provided that such reserve may be used only when said fuel expenses exceed three million seven hundred sixty-three thousand dollars; 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 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

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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 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; 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 the Monroe Trotter Institute at the University of Massachusetts at Boston, of which not less than seventy-five thousand shall be obligated for the purposes of the William Monroe Trotter Institute for Afro American Women's Studies; 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 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 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 not less than two hundred thousand dollars be allocated for a college preparation program 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 every institution receiving funds from this appropriation shall file monthly payroll projection and personnel monitoring reports with the board of regents detailing monthly

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	payroll expenditures and the number of filled full-time equivalent employees; 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 operation through an interagency agreement between the department of education and the board of regents; provided further, that of the sum appropriated herein, the amount of one hundred and seventy-one thousand, seven hundred and forty dollars shall be paid to the town of Bridgewater to fulfill a pre-existing obligation of Bridgewater State College under an agreement dated May twenty-ninth, nineteen hundred and sixty-five; provided further, that of the sum appropriated herein not less than two hundred thirty thousand dollars shall be obligated for the continuation of collaborative educational programs between public and independent institutions of higher education and public elementary and secondary schools within the commonwealth, and in accordance with an allocation plan approved by the house and senate committees on ways and means, the chancellor of the board of regents shall allocate such appropriation to existing international studies resource centers at said institutions of higher education for the professional development of public school teachers, including not more than fourteen thousand four hundred and twenty-five positions	$636,740,037
7100-0101 For	the expenses of the William Joiner Center at the University of Massachusetts at Boston; provided, that of the sum appropriated herein, not less than two hundred and fifty-three thousand four hundred and seventy-five dollars shall be obligated for the expenses of the William Joiner Archives Department at the University of Massachusetts at Boston	$1,067,933
7100-0102 For	a program in county cooperative extension work 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, and Norfolk County Cooperative Extension Services; provided, that on the first day of July, nineteen hundred and eighty-nine, all persons employed and positions budgeted for immediately prior to January first, nineteen hundred and eighty-eight by Bristol and Plymouth counties for the purposes of said county cooperative extension programs, not to exceed twenty-four positions, shall be transferred to the employ of the commonwealth and nothing herein shall be construed to alter, impair, or modify the term of tenure of any such person in such employment and the retirement rights of any such persons currently in service or retired shall not be affected hereby; provided further, that all books, papers, records, documents, and equipment purchased by the counties of Bristol and Plymouth for the custody and use of cooperative extension prior to the effective date of this act shall become the property of the commonwealth to be held in custody by and for the use of county cooperative extension in	

Bristol and Plymouth counties; provided further, 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 seventy-five positions $4,777,786

7100-0160 For the expenses of the Northeast consortium of colleges and universities of Massachusetts $180,413

7100-9504 For the purchase of scientific, technological and other educational reference material for the libraries of the system of public higher education institutions; provided, that of the sum appropriated herein, not less than one hundred and forty-seven thousand, one hundred and fifty dollars shall be allocated to Middlesex Community college, Lowell, for equipment and collection at the Lowell campus library and for computer networking and terminals for the Lowell campus $4,500,000

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 $450,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100 For the office of the secretary, including not more than twelve positions $543,590

Highway Fund	85.0%
General Fund	15.0%

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 $3,233,456

8000-0110 For the administration and operation of the criminal justice information system, including not more than forty-six positions $2,100,709

Highway Fund	50.0%
General Fund	50.0%

8000-0150 For the LEAPS/CJIS Terminal Network $1,157,896

Highway Fund	50.0%
General Fund	50.0%

8000-0160 For the operation of the state board of building regulations and standards, for the purpose of implementing and enforcing the provisions of sections ninety-three through one hundred of chapter one hundred and forty-three of the General Laws, including not more than seven positions $380,000

Item

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 not more than forty-nine positions $2,650,000

Department of Public Safety.

8311-1000 For the administration of the department, including not more than fifty-five positions $1,506,828

8311-2060 For the administration and operation of the crime laboratory, including not more than thirty-three positions $1,384,445

8311-2080 For the operation of an automated fingerprint identification system $1,072,700

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 $57,581,579

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%

Item

8312-6000 For the administration and operation of a motor carrier safety assistance program, including not more than sixteen positions $250,000

Highway Fund 100.0%

8312-6050 For the administration and operation of a drug enforcement administration task force $73,720

Division of Fire Prevention and Regulation.

8314-1000 For the administration of the division, provided that one hundred thousand dollars of the amount appropriated herein shall be expended for a Suffolk county based arson prevention program; provided further, that said one hundred thousand dollars shall be assessed against insurance companies licensed to sell fire insurance in the commonwealth by the commissioner of insurance, and transferred to the General Fund, and such assessments shall be charged to the normal operating costs of each company; and provided further, that not more than ten percent of the amount designated for said arson 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 $384,109

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; provided further, that eighty-three thousand seven hundred and fifty-five dollars shall be available for the expenses of the board of pipefitters and refrigeration technicians, including not more than ninety positions $2,555,364

Massachusetts Fire Fighting Academy.

8350-0100 For the administration of the academy including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, to be in addition to any federal funds available for the said purposes; provided, that notwithstanding the provisions of any general or special law to the contrary, sums for the estimated expenses of the administration of the academy including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, not to exceed one million nine hundred thousand dollars per year, provided that not less than forty thousand dollars shall be available for the

arson program in the city of Fall River, 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 estimated expenses, including not more than twenty-five positions $475,000

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 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 said registry of motor vehicles shall operate and maintain a branch office in the town of Northbridge; provided further, that forty percent of the cost of personnel services associated with the computer, which reflects the proportionate use of said computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business in the commonwealth, pursuant to section one hundred eighty-three of chapter six of the General Laws; provided further, 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 pursuant to chapter two hundred and seventy-three of the acts of nineteen hundred and eighty-eight, chapter eight hundred and six of nineteen hundred and eighty-five shall be implemented and fully operational by October first, nineteen hundred and eighty-nine including not more than one thousand one 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 $34,536,272

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 twenty-eight positions $3,077,650

Highway Fund 100.0%

8400-0004 For the operation and expenses of the registry computer $6,653,352

Highway Fund 100.0%

8400-0006 For the administration and operation of a motor carrier safety assistance program $150,000

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 thirty-two positions $1,335,480

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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 eighty-eight positions $4,350,000

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 one hundred and one positions $2,987,823

Committee on Criminal Justice.

8600-0001 For the administration of the committee on criminal justice, including not more than twelve positions $425,000

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 thirty positions $4,053,632

Civil Defense Agency.

Notwithstanding any provision of law to the contrary, the civil defense agency shall not expend any of the funds herein appropriated for activities related to the planning for nuclear war.

8800-0001 For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities; provided further, that from the sum appropriated herein, provisions be made to adequately provide fuel, insurance,

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	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	$637,109
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 four hundred and fifty thousand dollars in fiscal year nineteen hundred and eighty-nine 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 the approval of the governor; provided further, that in no case may funds from this account be used for the development, evaluation or implementation of radiological emergency response plans for Seabrook Station; provided further, that the secretary shall file a report with the joint committee on energy on or before December first, nineteen hundred and ninety, detailing the activities undertaken with regard to this line item; and provided further, that no expenditures may be made from this item without the prior approval of the secretary of public safety, including not more than eleven positions	$463,795
	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%	

Item

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-0100 For	the office of the secretary, including not more than twelve positions	$508,792
9000-0101 For	the expenses of the Commonwealth Literacy Campaign, including not more than four positions	$521,151
9000-0102 For	the expenses of the Massachusetts Technology Park Corporation	$3,159,500
9000-0104 For	the expenses of a corporate child care resource center	$73,250
9000-0110 For	the expenses of the centers of excellence corporation, provided, that a report of all revenues, expenditures, assets and liabilities of the corporation be filed quarterly with the secretary for administration and finance and the house and senate committees on ways and means	$2,769,255
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 workers' organization serving low income people and the Hispanic population of Western Massachusetts, including not more than forty-two positions	$1,875,388
9000-1802 For	a program to promote employee involvement and ownership in the workplace	$100,000
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 percent of the gross operation cost of said center; and provided further, that quarterly reports of expenditures shall be filed with the senate committees on house and ways and means	$697,123
9000-1900 For	the expenses of the office of travel and tourism, the operation of tourist information booths, and the promotion of vacation travel within the commonwealth, including the promotion and marketing of overseas international tourism; provided, that two hundred and fifty thousand dollars shall be expended on a cultural exchange program with the Soviet Union; provided that one hundred thousand dollars be expended for the Spirit of Massachusetts campaign; 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; including not more than eighteen positions	$6,500,000
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-nine	$2,228,524

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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 $516,577

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 $685,000

9000-2200 For the expenses of the state office of minority and women business assistance; including not more than twenty positions $600,000

Department of Employment and Training.

9081-0350 For the administration of the department of employment and training 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 commissioner of the department may consult with departments, commissions, offices, boards, divisions, institutions and other agencies for the purpose of planning for and operating employment and training programs within the division $5,816,969

Reemployment and Job Placement Fund 100.0%

9081-0500 For the expenses of reemployment and job placement services for unemployed workers in the commonwealth; provided, that obligations from this item shall not at any time exceed the balance in the reemployment and job placement fund as established by section fourteen H of chapter one hundred and fifty-one A of the General Laws $5,000,000

Reemployment and Job Placement Fund 100.0%

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 $500,000

9081-7006 For the expenses of the MassJobs Southeast Project, provided that funds from this item may be transferred to other items of appropriation within the department of employment and training $450,000

9081-7007 For the operation of satellite job training centers $225,000

General Fund 80.0%

Reemployment and Job Placement Fund 20.0%

9081-7010 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 $836,077

General Fund 15.0%

Reemployment and Job Placement Fund 85.0%

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9081-7011 For the expenses of the Bay State Skills Corporation, provided, that a report of all revenues, expenditures, assets and liabilities of said corporation be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means; provided further, that said corporation shall remain an independent quasi-public corporation $1,731,25

General Fund 80.0%

Reemployment and Job Placement Fund 20.0%

9081-7014 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 $153,829

9081-7016 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 $812,774

General Fund 80.0%

Reemployment and Job Placement Fund 20.0%

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; including not more than seventy-one positions $3,032,915

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, which shall include a sliding fee program in which all qualified elders shall participate, which shall include provisions for the waiver of said fee if in the opinion of the secretary of the executive office of elder affairs the assessment of such a fee would produce extreme financial hardship to the affected individual or individuals; provided further, that said program shall be administered by the executive office of elder affairs in such a manner as to allow for the retention of revenues accrued from said sliding fees by the individual home care corporations funded through item 9110-1631 of this act, without reallocation by said executive office; provided further, 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 secretary shall transmit to the house and senate committees on ways and means no later then thirty days of the effective date of this act a plan indicating the estimated monthly caseload to be supported by the appropriation in this item; provided, further, that anticipated monthly deviations from this initial estimated caseload of greater than two and one-half percent shall require said secretary to notify said committees no

later than thirty days following the month reported; provided further, that not more than one million, four hundred thousand dollars shall be obligated for the purchase of certified home health services for elders who are not eligible for Medicaid; provided further, that said certified home health services shall include, but are not limited to, home health aid, nursing management and nursing assessments; provided further, that not 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 percent of the funds appropriated herein for home care services may be used 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, as described in lines 38-43 of item 9110-1630 of section two of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight; 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; 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 $85,517,186

9110-1631 For contracts between the executive office 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 executive office; provided further, that home care corporations who receive contracts from said executive office for fiscal year nineteen hundred and ninety shall provide not more than a four and twenty-five one-hundredths of a percent cost of living salary increase for home care corporation personnel employed as of January first, nineteen hundred and ninety; provided further, that not less than one million three hundred thousand dollars shall be placed in a reserve for the executive office of elder affairs to fund additional salary increases for home care personnel; provided further, that the funding for additional salary increases be subject to the provisions of section eighty-eight of this act; provided further, that no funds appropriated herein shall be expended for the direct purchase of home care, home health or related services; and provided further, that the executive office of elder affairs will provide assistance needed to proceed with the long term care insurance demonstration, including assistance providing assessment of functional status for potential participants in the so-called long term insurance program as well as providing assistance in service planning for participants in the insurance program who are eligible for benefits $43,500,000

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9110-1635 For	a demonstration program in Fall River to provide twenty-four hour in-home medical and social assessment services and crisis intervention to elders in need and to elderly patients recently discharged from acute facilities	$138,988
9110-1640 For	a reserve to fund adult foster care programs and demonstration projects; provided, not less than three hundred thousand dollars be appropriated for demand responsive transportation services for elders in certain rural regional transit authority districts; provided 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; provided that said executive office shall compile a report evaluating the effectiveness of said foster care programs, to be filed with the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and eighty-nine	$577,871
9110-1645 For	a reserve to establish a long term care insurance demonstration, a long term care database, and an educational program about long term care service needs; provided that the executive office of elder affairs shall convene regular meetings of the interagency council, said council to include the secretaries of the executive offices of elder 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 association, representatives of the academic community and other interested parties on the long term care insurance demonstration and long term care database; 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, the executive office of human services, and the executive office of communities and development, resulting in the preparation of an annual long term care budget; overseeing coordination of assessment and authorization of long term care services purchased by the state, including implementation of a single assessment tool for authorizing home health, home care and nursing home services; and overseeing interagency cooperation in transmitting data to be a centralized database to be maintained at the department of public health; 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 committees on ways and means	$150,000
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	$1,003,322

Item		
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	$182,864
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 ninety-one thousand six hundred and thirty-one dollars be expended for foster grandparent programs and senior companion programs; provided further, that not less than one hundred and fifty-eight thousand eight hundred and thirty-nine dollars shall be expended for the retired senior volunteer program; provided further, that not less than three million one hundred forty-nine thousand one hundred and forty-five dollars shall be obligated for the administration of a meals program for elderly persons; provided further, that the department of elder affairs shall maximize federal reimbursement for meals served herein; and provided further, that not less than three million one hundred and forty thousand dollars shall be obligated for grants to councils on aging; 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	$7,585,628
9110-1905 For	a program of supplemental funding for equalization grants for the councils on aging, to those most greatly impacted by recent elderly population growth	$50,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Office of the Secretary.

9200-0100 For	the office of the secretary, including not more than twenty positions	$748,908
9200-0150 For	new and used car arbitration, including not more than seven positions	$309,709

Item

State Racing Commission.

9210-0001 For the administration of the commission, including not more than forty-five positions $2,643,036

Alcoholic Beverages Control Commission.

9212-0001 For the administration of the commission, including not more than forty positions $1,184,020

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 $792,336

Division of Banks.

9221-1000 For the office of the commissioner, including not more than one hundred and seventy positions $5,998,156

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%

Item

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 $484,687
Highway Fund 100.0%

Division of Registration.

9230-0001 For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; and provided further, that not less than nine positions shall be located in the western Massachusetts office, including not more than one hundred and forty positions $4,312,000

9230-0150 For the expenses of the board of registration and discipline in medicine and the committee on acupuncture, including not more than fifty-six positions $2,156,900

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 ninety shall be made at a rate sufficient to produce not more than three million three hundred and fifteen thousand one hundred and ninety-eight dollars, including not more than ninety positions $3,315,198

Transportation Division.

9272-0001 For the administration of the division, including not more than thirty-five positions $1,043,544
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.

9300-0004 For the administration of the office of energy resources; provided, that expenditures for the energy forecasting program shall be assessed upon utility companies as authorized by chapter twenty-five A of the General Laws, including not more than forty-seven positions $1,597,475

Item

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 seventy thousand dollars shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws; provided further, that the excess over the appropriated amount shall be placed in an expendable trust account, to be spent or maintained from year to year by the council for the limited purpose of reviewing major energy facilities, without further appropriation and not subject to reversion to the General Fund; provided further, that the balance remaining in the expendable trust account shall be deducted from the following year's assessment of the electric and gas companies; provided further, that the amount collected from the utilities in the following year shall not be less than the amount appropriated for that year; provided further, that the position of executive secretary of the council shall be exempt from the provisions and requirements of job classification by the undersecretary of human resource administration under chapter thirty of the General Laws, including not more than fourteen positions $570,000

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 $170,000

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 $338,000

EXECUTIVE OFFICE OF LABOR.

9400-0100 For the office of the secretary, including not more than thirteen positions $424,688

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 $243,658

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, provided that a report of all revenues, expenditures, assets and liabilities of the program and of the Economic Stabilization

Item

Trust be filed quarterly with the secretary for administration and finance and the house and *senate committees on ways and means* $200,000

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, provided that a report of all revenues, expenditures, assets and liabilities of the program be filed quarterly with the secretary for administration and finance . $2,500,000

General Fund	70.0%
Reemployment and Job Placement Fund	30.0%

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, including not more than one hundred and eighty positions $6,081,564

Board of Conciliation and Arbitration.

9420-0100 For the expenses of the board of conciliation and arbitration, including not more than nineteen positions $758,707

9421-0100 For a joint labor-management committee, including not more than eight positions $453,227

Labor Relations Commission.

9430-0100 For the administration of the commission, including not more than twenty-eight positions $937,636

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 and associated indirect and fringe benefit costs from assessments levied pursuant to section sixty-five of chapter one hundred and fifty-two of the General Laws; provided, however, that amounts expended hereunder for the costs associated with the department's backlog elimination project, so-called, not to exceed seven hundred and seventy-five thousand dollars, shall not be included in the determination of any assessment or assessment rate pursuant to said section sixty-five of said chapter one hundred and fifty-two, including not more than three hundred and six positions $3,465,629

Item

SECTION 2A.

Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with the provisions of section six B of chapter twenty-nine of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June *thirtieth, nineteen* hundred and eighty-nine, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year nineteen hundred and *ninety, in addition* to any amount appropriated in this section

SECRETARY OF THE COMMONWEALTH.

Massachusetts Historical Commission.

0526-0105 For	the purposes of a federally funded grant entitled, Massachusetts Historical Survey	$562,000
0526-0115 For	the purposes of a federally funded grant entitled, Massachusetts Historical Preservation	$207,000

ATTORNEY GENERAL.

0810-6646 For	the purposes of a federally funded grant entitled, Crime Victim Compensation	$400,000
0840-0110 For	the purposes of a federally funded grant entitled, Crime Victim Assistance Program	$1,300,000

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	$348,360
1100-1703 For	the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities	$904,063
1100-1704 For	the purposes of a federally *funded* grant entitled, Protection and Advocacy for Mentally Ill Individuals	$177,259

Office of Handicapped Affairs.

1107-2450 For	the purposes of a federally funded grant entitled, Client Assistance Program	$184,752

Council on Arts and Humanities.

1121-9717 For	the purposes of a federally funded grant entitled, Promotion of Arts, Basic State Grant	$405,000
1121-9718 For	the purposes of a federally funded grant entitled, Promotion of Arts, Artists in Education	$90,000
1121-9719 For	the purposes of a federally funded grant entitled, Design Arts	$34,310

Item		
	Massachusetts Commission Against Discrimination.	
1150-5329 For	the purposes of a federally funded grant entitled, Fair Housing Assistance Program-Type II	$210,658
1150-5338 For	the purposes of a federally funded grant entitled, Fair Housing Assistance Program-Type I	$282,590
1150-5339 For	the purposes of a federally funded grant entitled, Equal Employment Resolution Contract	$451,000
	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
2000-0143 For	the purposes of a federally funded grant entitled, Estuary and Sanctuaries	$35,045
2000-0144 For	the purposes of a federally funded grant entitled, Assessment of Sand Inside Plymouth Bay	$25,000
2000-9731 For	the purposes of a federally funded grant entitled, Comprehensive Estuary and Management	$25,000
2030-9701 For	the purposes of a federally funded grant entitled, Outdoor Recreation Projects	$3,000,000
	DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.	
2100-9708 For	the purposes of a federally funded grant entitled, National Flood Insurance Program	$150,000
2120-9701 For	the purposes of a federally funded grant entitled, Rural Community Fire Protection Local Aid	$24,700
2130-8771 For	the purposes of a federally funded grant entitled, Construction of Reservoir	$700,000
2130-9703 For	the purposes of a federally funded grant entitled, Washington Mountain Brook Watershed Project	$77,971
2140-9705 For	the purposes of a federally funded grant entitled, Waquoit Bay National Estuarian Reserve	$450,000
	DEPARTMENT OF ENVIRONMENTAL PROTECTION.	
2200-9704 For	the purposes of a federally funded grant entitled, Solid Waste Disposal - Conservation and Recovery	$1,600,000
2200-9705 For	the purposes of a federally funded grant entitled, Underground Water Source Protection	$49,665
2200-9706 For	the purposes of a federally funded grant entitled, Water Quality Management Planning	$745,000
2200-9709 For	the purposes of a federally funded grant entitled, Multi-Site Cooperative Agreement	$1,245,792
2200-9712 For	the purposes of a federally funded grant entitled, Leaking Underground Storage Tank Program	$519,661
2200-9715 For	the purposes of a federally funded grant entitled, Core Cooperative Agreement Cercla Implementation Support	$250,000
2240-9707 For	the purposes of a federally funded grant entitled, Management of Construction Grants	$1,600,000
2240-9709 For	the purposes of a federally funded grant entitled, Clean Lakes Program	$960,000
2240-9710 For	the purposes of a federally funded grant entitled, Administration of the Construction Program	$6,500,000
2240-9712 For	the purposes of a federally funded grant entitled, Technical Assistance and Training	$71,750

Item		
2240-9716 For	the purposes of a federally funded grant entitled, Water Pollution Investigations	$813,750
2250-9701 For	the purposes of a federally funded grant entitled, Public Water Supply Supervision	$407,000
2250-9710 For	the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program	$2,620,000

DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

Division of Marine Fisheries.

2310-9701 For	the purposes of a federally funded grant entitled, Whetstone Brook Acid Stream Mitigation Research Program	$110,542
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	$70,000
2330-9712 For	the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	$79,000
2330-9719 For	the purposes of a federally funded grant entitled, Vessel Services Assessment	$61,000
2330-9721 For	the purposes of a federally funded grant entitled, Anadromous Fish Management	$43,000
2330-9722 For	the purposes of a federally funded grant entitled, PCB Monitoring and Finfish Disease Research - Buzzards Bay	$30,000

Division of Environmental Law Enforcement.

2340-9701 For	the purposes of a federally funded grant entitled, Safe Boating Program	$676,000

DEPARTMENT OF FOOD AND AGRICULTURE.

Division of Regulatory Services.

2511-0310 For	the purposes of a federally funded grant entitled, Pesticide Enforcement	$109,000
2511-0320 For	the purposes of a federally funded grant entitled, Pesticide Applicators	$19,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3722-9011 For	the purposes of a federally funded grant entitled, Supportive Housing Demonstration Program	$500,000
3722-9013 For	the purposes of a federally funded grant entitled, Existing Housing Allowance Program, Section 8; provided, the executive office of communities and development may provide monthly payments in advance to participating agencies	$51,770,450
3722-9014 For	the purposes of a federally funded grant entitled, Federal Housing Voucher Program; provided, the executive office of communities and development may provide monthly payments in advance to participating agencies	$5,875,372

Item		
3722-9019 For	the purposes of a federally funded grant entitled, Moderate Rehabilitation, Section 8; provided, the executive office of communities and development may provide monthly payments in advance to participating agencies	$15,329,464
3722-9020 For	the purposes of a federally funded grant entitled, New Construction, Section 8; provided, the executive office of communities and development may provide monthly payments in advance to participating agencies	$4,135,015
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	$26,679,482
3724-9009 For	the purposes of a federally funded grant entitled, Substantial Rehabilitation, Section 8; provided, the executive office of communities and development may provide monthly in advance payments to participating agencies	$4,045,632
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	$5,296,212
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	$58,020,048
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	$8,434,668
3743-2050 For	the purposes of a federally funded grant entitled, Emergency Community Services Homeless Program; provided, that consistent with applicable federal regulations and the state plan, the executive office of communities and development may provide quarterly payments in advance to participating agencies	$490,000

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	$596,465

Item		
4000-0805 For	the purposes of a federally funded grant entitled, Refugee Resettlement Program, Social Services	$2,392,463
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	$15,342,866
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	$1,682,093
4000-9400 For	the purposes of a federally funded grant entitled, Alcohol, Drug Abuse, and Mental Health Block Grant	$18,247,812
4000-9410 For	the purposes of a federally funded grant entitled, Alcohol & Drug Abuse Treatment & Rehabilitation	$5,881,554
4000-9700 For	the purposes of a federally funded grant entitled, Youth with Severe Handicaps - Transitional Rehabilitation	$153,732

Massachusetts Commission for the Blind.

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	$5,168,979

Massachusetts Rehabilitation Commission.

4120-0020 For	the purposes of a federally funded grant entitled, Vocational Rehabilitation	$28,000,000
4120-0187 For	the purposes of a federally funded grant entitled, Supported Employment Program	$650,000
4120-0511 For	the purposes of a federally funded grant entitled, Determination of Disability	$21,000,000
4120-0760 For	the purposes of a federally funded grant entitled, Independent Living	$1,200,000

Office for Children.

4130-2087 For	the purposes of a federally funded grant entitled, Dependent Care Planning and Development	$41,910

Item		
	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-nine million ninety-four thousand three hundred and fifty-three dollars shall be credited to this item	$29,094,353
4402-1041 For	the purposes of a federally funded grant entitled, Conversion to Social Security Administration	$150,000
4402-1045 For	the purposes of a federally funded grant entitled, Medicaid Case Mix	$104,695
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
4407-9055 For	the purposes of a federally funded grant entitled, Emergency Shelter	$1,000,000
	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	$2,660,098
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	$10,502,400
4502-1012 For	the purposes of a federally funded grant entitled, Maintenance of the Cooperative Health Statistics System in Massachusetts	$370,000
4510-0400 For	the purposes of a federally funded grant entitled, Health Insurance - Medicare	$1,616,127
4510-9019 For	the purposes of a federally funded grant entitled, Environmental Monitoring Program	$26,000
4510-9038 For	the purposes of a federally funded grant entitled, Behavioral Risk Factor Surveillance System	$31,000
4510-9039 For	the purposes of a federally funded grant entitled, Model Statewide Cancer Control Program	$160,455
4510-9040 For	the purposes of a federally funded grant entitled, Diabetes Control Program	$141,555
4510-9041 For	the purposes of a federally funded grant entitled, Public Health Model System for Blood Cholesterol Screening, Education, Referral and Follow-up	$110,000
4510-9043 For	the purposes of a federally funded grant entitled, Demo Program to Conduct Toxic Waste Site Impact Health Assessments	$273,447
4510-9044 For	the purposes of a federally funded grant entitled, Pharmaceutical Diversion Program	$77,886
4512-0102 For	the purposes of a federally funded grant entitled, Venereal Disease Control	$781,647
4512-0179 For	the purposes of a federally funded grant entitled, Vaccination Assistance Project	$1,509,806

Item		
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	$31,609,758
4513-9015 For	the purposes of a federally funded grant entitled, Improved Prenatal Care Utilization and Birth Outcome	$45,000
4513-9016 For	the purposes of federally funded grant entitled Family Day Care Health Improvement Project	$60,000
4513-9018 For	the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education/Risk Reduction Program	$5,500,000
4513-9021 For	the purposes of a federally funded grant entitled, Infants and Toddlers with Handicaps	$1,310,599
4515-0113 For	the purposes of a federally funded grant entitled, Health Program for Refugees	$207,538
4515-0115 For	the purposes of a federally funded grant entitled, Outreach Case Register Services for Tuberculosis	$165,638
4518-1000 For	the purposes of a federally funded grant entitled, National Death Index (NDI)	$21,000
4518-1001 For	the purposes of a federally funded grant entitled, National Capacity Linked Birth and Infant Death Data System	$10,238
4518-1002 For	the purposes of a federally funded grant entitled, Social Security Administration - Massachusetts Death File	$21,195
4518-9021 For	the purposes of a federally funded grant entitled, Capacity Building Occupational Safety and Health Program	$71,500
4518-9022 For	the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks	$110,000

DEPARTMENT OF SOCIAL SERVICES.

4800-0004 For	the purposes of a federally funded grant entitled, Adoption Project to Increase Referrals and Placements for Children	$157,802
4800-0007 For	the purposes of a federally funded grant entitled, Family Violence Prevention and Support	$153,890
4800-0045 For	the purposes of a federally funded grant entitled, Social Services Block Grant	$63,000,000
4899-0001 For	the purposes of a federally funded grant entitled, Child Welfare Services, Title IVB	$4,326,635
4899-0022 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention & Treatment - Basic	$181,022
4899-0024 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention & Treatment - Basic	$48,547

Item		
	DEPARTMENT OF MENTAL HEALTH.	
5012-9108 For	the purposes of a federally funded grant entitled, State Human Resource Development Program	$129,108
5012-9110 For	the purposes of a federally funded grant entitled, Public Health Protection	$613,388
5012-9113 For	the purposes of a federally funded grant entitled, Mental Health Planning	$150,000
5021-9101 For	the purposes of a federally funded grant entitled, Demonstration and Replication Project - C.S.S. System	$58,467
5021-9116 For	the purposes of a federally funded grant entitled, Children Services (P.L. 89-313, Title I)	$241,718
	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.	
	Office of the Secretary.	
6000-0180 For	the purposes of a federally funded grant entitled, Statewide Assistance Rural Public Transportation	$1,416,801
6000-9923 For	the purposes of a federally funded grant entitled, UMTA Technical Studies	$133,558
6000-9949 For	the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation	$944,920
6000-9953 For	the purposes of a federally funded grant entitled, Berkshire County Line Project	$800,000
6000-9954 For	the purposes of a federally funded grant entitled, Local Rail Service Assistance - Planning	$58,659
	Massachusetts Aeronautics Commission.	
6006-0042 For	the purposes of a federally funded grant entitled, Massachusetts Airport System Plan	$100,000
	EDUCATION.	
	Libraries.	
7000-9703 For	the purposes of a federally funded grant entitled, Interlibrary Cooperation Title III	$440,000
7000-9705 For	the purposes of a federally funded grant entitled, Library Services - Title I	$2,000,000
7000-9707 For	the purposes of a federally funded grant entitled, Public Library Construction - Title II	$504,321
7000-9999 For	the purposes of a federally funded grant entitled, Library Services Construction Act, Title VI	$13,750

DEPARTMENT OF EDUCATION.

Board of Education and Commissioners Office.

7010-0013 For	the purposes of a federally funded grant entitled, Race Desegregation Assistance Administration	$196,132
7010-9711 For	the purposes of a federally funded grant entitled, National Desegregation Origin Assistance	$214,522
7010-9728 For	the purposes of a federally funded grant entitled, Sex Desegregation Assistance	$238,711
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	$1,890,457

Division of Occupational Education.

7027-9116 For	the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act - Distribution	$17,862,977
7027-9126 For	the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act - Administration	$2,481,482

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	$10,750,000

Division of Curriculum and Instruction.

7030-0191 For	the purposes of a federally funded grant entitled, Coordination of Bilingual Education	$101,788
7030-9736 For	the purposes of a federally funded grant entitled, Chapter II, Education Consolidation and Improvement Act of 1981, Block Grant - Distribution	$7,876,738
7030-9756 For	the purposes of a federally funded grant entitled, EESA, Title II, Math and Science	$1,704,891
7032-0207 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Administration	$26,982
7032-0217 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Distribution	$160,500
7032-0227 For	the purposes of a federally funded grant entitled, Drug Free Schools	$3,022,750
7032-0228 For	the purposes of a federally funded grant entitled, AIDS Education	$195,517
7032-0402 For	the purposes of a federally funded grant entitled, Educationally Deprived Children - Administration	$995,422
7035-0013 For	the purposes of a federally funded grant entitled, Education of the Handicapped - Discretionary Funds	$2,656,000

Item		
7035-0116	For the purposes of a federally funded grant entitled, Educationally Deprived Children - Distribution	$97,000,000
7035-0126	For the purposes of a federally funded grant entitled, Children in Institutions	$700,000
7035-0136	For the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions	$150,000
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	$149,098
7035-0316	For the purposes of a federally funded grant entitled, Education of the Handicapped	$36,000,000
7035-0713	For the purposes of a federally funded grant entitled, Early Childhood Incentive - Administration	$314,682
7035-0716	For the purposes of a federally funded grant entitled, Early Childhood Incentive - Distribution	$4,200,000
7035-0718	For the purposes of a federally funded grant entitled, Childhood Incentive - Discretionary	$1,269,805
7038-0002	For the purposes of a federally funded grant entitled, Adult Basic Education - Administration	$265,270
7038-0106	For the purposes of a federally funded grant entitled, Adult Basic Education - Distribution	$2,406,775
7038-0109	For the purposes of a federally funded grant entitled, Adult Education for the Homeless	$126,247
7038-0119	For the purposes of a federally funded grant entitled, Workplace Literacy Partnership	$162,133
7038-9721	For the purposes of a federally funded grant entitled, Transitional Refugee Program - Administration	$10,003
7038-9724	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance - Administration	$11,502
7038-9736	For the purposes of a federally funded grant entitled, Transitional Refugee Program - Distribution of Funds	$990,297
7038-9746	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance - Distribution	$755,304
7053-2105	For the purposes of a federally funded grant entitled, Cash in Lieu of Commodities	$550,000
7053-2111	For the purposes of a federally funded grant entitled, Special Milk	$600,000
7053-2112	For the purposes of a federally funded grant entitled, School Lunch, Section 11 - Special Assistance	$35,500,000
7053-2113	For the purposes of a federally funded grant entitled, Community School Lunch Program	$13,000,000
7053-2114	For the purposes of a federally funded grant entitled, School Breakfast Program	$9,300,000
7053-2117	For the purposes of a federally funded grant entitled, Child Care Food Program	$28,500,000
7053-2118	For the purposes of a federally funded grant entitled, Nutrition Education	$88,539
7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance	$1,346,963
7053-2202	For the purposes of a federally funded grant entitled, Summer Food Service Program for Children	$2,500,000
7062-0008	For the purposes of a federally funded grant entitled, State Administration Expenses	$1,766,645

Item

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Committee on Criminal Justice.

8600-0002	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning	$81,500
8600-0003	For the purposes of a federally funded grant entitled, Juvenile Justice, Delinquency and Prevention	$4,465,082
8600-0008	For the purpose of a federally funded grant entitled, Drug Free Schools and Communities Act of 1986	$1,115,499
8600-0009	For the purpose of a federally funded grant with an amount not to exceed five hundred thousand dollars to establish a demonstration security program for mission main in the Boston housing authority in the city of Boston, provided that said security program shall include education, police force participation, team police, crime watch and youth services; provided further, that any program authorized herein shall not violate federal standards or requirements governing the grants of this item; provided further, that the Massachusetts committee on criminal justice shall notify the joint committee on Housing and Urban Development on all grants distributed from this item, provided that said notification shall include a listing of grantees, program description, and amount awarded, entitled, Narcotics Control Assistance Program	$3,000,000
8600-0010	For the purpose of a federally funded grant entitled, Statistical Analysis Center	$700,000

Civil Defense Agency.

8800-0003	For the purposes of a federally funded grant entitled, Emergency Management Assistance - State	$745,000
8800-0004	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Cities and Towns	$475,000
8800-0005	For the purposes of a federally funded grant entitled, Disaster Preparedness Improvement	$25,000
8800-0006	For the purposes of a federally funded grant entitled, Radiological Systems Maintenance	$177,690
8800-0007	For the purposes of a federally funded grant entitled, Radiological Defense Officer	$85,719
8800-0008	For the purposes of a federally funded grant entitled, Population Protection Planning	$290,000
8800-0009	For the purposes of a federally funded grant entitled, Emergency Management Training	$73,000
8800-0010	For the purposes of a federally funded grant entitled, Earthquake Preparedness	$52,333
8800-0011	For the purposes of a federally funded grant entitled, Facility Surveys	$50,000
8800-0019	For the purposes of a federally funded grant entitled, Superfund Amendment and Reauthorization Acts of 1986	$95,000
8800-4000	For the purposes of a federally funded grant entitled, Disaster Assistance - Floods	$288,000

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Governor's Highway Safety Bureau.

8850-0002	For the purposes of a federally funded grant entitled, Distribution to Cities and Towns	$325,000
8850-0003	For the purposes of a federally funded grant entitled, Planning and Administration	$215,000
8850-0004	For the purposes of a federally funded grant entitled, State Agency Programs	$2,060,000
8850-0008	For the purposes of a federally funded grant entitled, Evaluation of Mass. Saving Lives	$50,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

9000-1621	For the purposes of a federally funded grant entitled, Job Training and Partnership Act	$48,000,000

Department of Employment and Training.

9081-0100	For the purposes of a federally funded grant entitled, Administration	$57,800,000
9089-1000	For the purposes of a federally funded grant entitled, Trade Expansion Act Program	$4,934,939

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1074	For the purposes of a federally funded grant entitled, Title III-B, Nursing Home/Social Services	$8,153,054
9110-1173	For the purposes of a federally funded grant entitled, Title III-C, Nutrition	$11,005,000
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	$4,500,000

EXECUTIVE OFFICE OF ENERGY RESOURCES.

9300-9642	For the purposes of a federally funded grant entitled, Institutional Conservation Program	$44,903
9300-9741	For the purposes of a federally funded grant entitled, Energy Extension Service	$84,900
9300-9742	For the purposes of a federally funded grant entitled, State Energy Conservation Plan	$195,900
9300-9755	For the purposes of a federally funded grant entitled, HUD Energy Conservation and Solar Bank	$114,488
9300-9764	For the purposes of a federally funded grant entitled, Photovoltaic Training and Evaluation	$293,223

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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	$70,444
9411-4203 For	the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey	$88,000
9411-9701 For	the purposes of a federally funded grant entitled, OSHA Onsite Consultation Program	$640,000

SECTION 2B.

For the purpose of making available in the fiscal year nineteen hundred and ninety certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-nine, 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 ninety. Amounts in this section 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 section are reappropriated for the purposes of and subject to conditions stated for said items in prior appropriation acts. Amounts in this section 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 section are reappropriated from the fund or funds designated for said items in prior appropriation acts.

LEGISLATURE.

0111-0000	$278,645
0111-8000	$40,300
0111-9000	$723,086
0112-0000	$10,765
0112-0100	$54,583
0114-0000	$15,000
0115-0000	$290,000
0116-0000	$300,000
0116-0030	$275,715
0118-0000	$0
0119-0000	$25,000
0131-0000	$30,908
0132-0000	$217,602
0132-1000	$58,737
0133-0000	$5,478

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0142-0000	$95,138
0143-0001	$18,000
0143-0003	$2,880
0145-0000	$200,000
0147-0000	$25,506
0161-0000	$207,065
0161-1000	$0
0161-2000	$1,447
0163-0000	$45,000
0164-0010	$70,000
0165-0000	$4,710
0169-7102	$52,000
2120-8891	$100,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3745-1000	$4,000,000
3748-0001	$800,000

DEPARTMENT OF MEDICAL SECURITY.

4600-1300	$4,000,000

SECTION 2C.

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-nine 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 ninety. 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 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.

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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 nonmilitary 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.

0610-1000 The treasurer is authorized to expend an amount not to exceed four million four hundred thousand dollars from accrued interest earned for bank services; provided further, that the treasurer shall expend not less than one million two hundred thousand dollars for bank services from item 0610-0000 of section two of this act $4,400,000

State Board of Retirement.

0612-1010 The state treasurer may retain revenues in an amount not to exceed thirty-five million dollars for expenditure for the purposes and subject to the conditions of item 0612-1010 of section two; provided that no amounts may be expended from this item without the approval of the house and senate committees on ways and means $35,000,000

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 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 $5,000,000

State Comptroller.

1000-0002 The state comptroller may expend revenues in an amount not to exceed three hundred and twenty-five thousand dollars from allocated federal funds transferred from federal reimbursement and grant receipts pursuant to line item 1000-0001 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 $325,000

ADMINISTRATION AND FINANCE.

Office of Mediation Services.

1100-1103 The commissioner of administration may expend, for the operations of the office of mediation services, 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 or to corporations and individuals by said office of mediation services for the costs of mediation services and other 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 eight hundred thousand dollars of revenues received by the commissioner of administration from charges to agencies, pursuant to section thirty of this act, for the cost of computer resources and services provided by the bureau of computer services $1,800,000

Office of Telecommunications.

1101-4055 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 fourteen 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 $14,000,000

Item

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 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-nine shall not revert to the commonwealth and shall be available to said building manager for the purposes provided in section twenty-eight of this act during the fiscal year nineteen hundred and ninety $7,500,000

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 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 five 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-nine $573,400

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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 - Micrographics.

1104-4028 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 or other public entities for the cost of micrographics production services rendered by the purchasing agency division, for incidental expenses and liability incurred for the purchase of micrographic supplies and equipment $200,000

State Purchasing Agent - Postal and Supply Chargeback.

1104-6600 The state purchasing agent may incur, pursuant to the provisions of section fifty-one of chapter thirty of the General Laws, as appearing in the 1986 Official Edition, and the comptroller may certify for payment, expenses and liabilities in an amount not to exceed one million, five hundred thousand dollars, for the purchase, delivery and handling of, and contracting for, supplies, postage, and related equipment, and for other incidental expenses of said purchasing agent as provided in said section, from charges to be assessed agencies for the provision of said supplies, postage, and equipment $1,500,000

State Purchasing Agent - Federal Surplus Property.

1104-6601 Pursuant to section twenty-one A of chapter eight hundred and eight of the acts of nineteen hundred and eighty-one, chapter four hundred and forty-nine of the acts of nineteen hundred and eighty-four, and section four L of chapter seven of the General Laws, as appearing in the 1986 Official Edition, the state purchasing agent is hereby authorized to incur, and the comptroller may certify for payment, incidental expenses, including the costs of such supervising and clerical positions as may be necessary to carry out said provisions, related to the acquisition, warehousing, allocation and distribution of federal and other surplus government property to eligible institutions as prescribed in accordance with the approved state plan of operation, in an amount not to exceed six hundred and fifty thousand dollars; provided, further, that said expenses shall be fully reimbursed from the proceeds of charges to eligible institutions for the costs of such surplus property disposition services; provided, further, that said expenses

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shall be fully reimbursed from the proceeds of charges to eligible institutions for the costs of such surplus property disposition services; provided, further, that the total amount of expenses so incurred by said purchasing agent during the fiscal year shall not at any time during said fiscal year exceed by more than two hundred thousand dollars the total amount received at such time during said fiscal year on account of said charges $650,000

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

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 $1,250,000

Department of Personnel Administration - Examinations.

1108-1214 The department of personnel administration may expend revenues in an amount not to exceed six hundred thousand dollars from the fees charged for civil service examination applications for the administration of the civil service examination program by the department $600,000

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Department of Personnel Administration.

1108-2600 The department of personnel administration may incur and the comptroller may certify for payment, expenses and liabilities in an amount not to exceed forty thousand dollars, for the expenses of the county personnel board, established pursuant to section forty-eight of chapter thirty-five of the General Laws, from charges to be assessed against counties, pursuant to the provisions of section fifty of said chapter thirty-five of the General Laws, which charges shall be assessed in the aggregate amount of forty thousand dollars for fiscal year nineteen hundred and eighty-nine costs and shall be payable by the counties before the end of the fiscal year $40,000

Group Insurance Commission.

1108-5200 The group insurance commission shall retain revenues from fringe recovery charges assessed by budget bureau pursuant to item 1108-5200 of section two of this act in an amount not to exceed twenty-eight million dollars for expenditure pursuant to the provisions of said item 1108-5200 $28,000,000

Group Insurance Commission.

1108-5300 The group insurance commission may expend all amounts received up to five 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 ninety 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 ninety; provided, that no funds from this item shall be expended for payment of abortions not necessary to prevent the death of the mother $5,000,000

Division of Public Employees

Retirement Administration - Workers' Compensation.

1108-6200 The division of public employee retirement administration may expend an amount not to exceed twelve million dollars of revenue accrued from charges to agencies authorized in section thirty-six of this act, for hospital, physician, benefits and other costs as provided by said section thirty-six of this act $12,000,000

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Massachusetts Council on Arts and Humanities.

1121-0510 Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts council on the arts and humanities is hereby authorized to expend not more than eleven million two hundred thousand dollars which the state comptroller is hereby authorized to transfer from the State Lottery Fund to the General Fund to be expended as authorized herein; provided, that the state lottery commission shall reduce the payment of prizes to holders of winning tickets or shares by the amount authorized to be expended herein, the provisions of any general or special law to the contrary notwithstanding; provided further, that the amount authorized to be expended herein shall be used for the payment of grants for projects and productions of the Massachusetts council on arts and humanities; provided further, that not less than seven percent of available funds shall be expended on projects and productions which are community based non-professional activities, to be in addition to any available funds for this purpose; provided further, that not less than three million seven hundred thousand dollars be available for the purposes of the Community Resource Act as provided in section thirty-six of chapter sixty-nine of the General Laws, as amended; provided further, that not less than fifty thousand dollars shall be available to the Riverside Theatre Works; provided further that not less than forty-one thousand dollars shall be available for a grant program of "scholars in residence"; provided further, that not less than one million two hundred thousand dollars shall be available for the Massachusetts Corporation of Educational Telecommunications, pursuant to a plan that has been filed with the general court $11,200,000

Massachusetts Commission Against Discrimination.

1150-5100 The Massachusetts commission against discrimination may expend an amount not to exceed one hundred thousand dollars, from revenues received by the commonwealth through the licensing fee assessed to the state's real estate brokers and agents by the division of registration, for the investigation of housing discrimination complaints $100,000

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

1599-3850 The commissioner of administration may expend an amount not to exceed twenty million dollars in monies from the Lottery Fund to provide emergency assistance to needy cities and towns with serious financial emergencies; provided that such emergencies shall be certified after study and analysis by the division of local services of the department of revenue; provided, further,

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that such cities and towns shall develop and implement financial management plans approved by said division to remediate the cause of such financial emergencies; provided, however, that no such city or town may receive more than twenty percent of the total appropriation; and provided, further, that the house and senate committees on ways and means and the commissioner of administration shall be notified at least fifteen days prior to the approval of any distribution of monies from this account to any such city or town $20,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Executive Office - Data Processing Services.

2001-1001 The secretary of environmental affairs may expend an amount not to exceed two hundred and fifty *thousand dollars accrued from* (1) the rendering of data processing services to state agencies, authorities and units of government within the commonwealth; 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 and (2) revenues generated from fees for distribution of digital cartographic and other data; for the purchase of materials, supplies and equipment and the cost of equipment maintenance, staff and the *maintenance and updating of data* $250,000

Department of Environmental Management.

2120-0810 The department of environmental management may expend revenues not exceeding three million one hundred fifty thousand dollars 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, however, that said revenues may be expended by said department only in the following manner: the first two million one hundred fifty thousand dollars accrued from said fees and concessions in fiscal year nineteen hundred and ninety may be expended as authorized herein, whereas an additional five hundred thousand dollars may be expended from revenues collected from said fees and concessions in excess of a total of three million seven hundred thousand dollars, provided further, that not less than one hundred dollars of this amount shall be expended on automating reservation and fee collection systems, provided further, that an additional five hundred thousand dollars may be expended from revenues from said fees and concessions in excess of a total of eight million two hundred thousand dollars $3,150,000

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Department of Environmental Protection.

2200-0102 The department of environmental protection shall expend an amount not to exceed one million five hundred thousand dollars for the elimination of the wetlands permit backlog and the administration of the division of wetlands and waterways from revenues obtained from license fees, permit fees, and inspection fees issued or undertaken by said division, excluding any fines, penalties, or fees credited to the Environmental Challenge Fund, pursuant to section seven of chapter twenty-one C of the General Laws provided that, fees collected herein may be expended on personnel $1,500,000

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 three 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 $300,000

2310-0313 The department of fisheries, wildlife and environmental law enforcement may expend an amount not to exceed eight hundred twenty-five thousand eight hundred eighty-three dollars, in the aggregate, from revenues accrued from the Inland Fish and Game Fund, pursuant to section two of chapter one hundred and thirty-one of the General Laws, provided that not more than two hundred thousand dollars may be expended for the purposes of purchasing or leasing certain equipment; provided further, that not more than two hundred thousand dollars of this item shall be expended for a program of acid rain research; provided further, that the comptroller shall allocate said research funds herein appropriated to the secretary of the executive office of environmental affairs, the department of environmental quality engineering, the department of fisheries, wildlife and environmental law enforcement, the metropolitan district commission, and the department of food and agriculture based upon the recommendations of said executive office; provided further, that not less than fifty-seven thousand five hundred dollars shall be allocated for a program of investigating fishkills and prosecuting violations of the law $825,883

2310-0314 The division of fisheries and wildlife of the department of fisheries, wildlife, and environmental law enforcement may expend an amount not to exceed forty-nine seventeen dollars, in the

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aggregate, from revenues accrued from the Non-Game Wildlife Fund, pursuant to section thirty-five D of chapter ten of the General Laws, provided that not more than twenty thousand six hundred twenty dollars may be expended for the expenses of a state funded program in natural heritage, and environmental assessment; provided further, that not more than twenty-eight thousand three hundred ninety-seven dollars may be expended for the administration of a program of non-game management and research $49,017

Department of Fisheries, Wildlife and Environmental

Law Enforcement - Shellfish.

2330-1001 The division of marine fisheries 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 division shall be used for purposes of this section $75,000

Department of Fisheries, Wildlife and Environmental

Law Enforcement.

2330-0311 The division of marine fisheries of the department of fisheries, wildlife and environmental law enforcement may expend an amount not exceeding eight hundred thousand dollars from revenues accrued from federal reimbursements and from the Federal Aid in Sport Fish Restoration Act, as defined in 16 U.S.C. 777-777k, the Wallop/Breaux Fund, so-called, for a program of enhancement of sportfishing activities and related programs, provided that the first three hundred thousand dollars in revenues shall be credited to the General Fund $800,000

Metropolitan District Commission.

2440-0012 The metropolitan district commission may expend revenues not exceeding one million, two hundred fifty thousand dollars accrued from admission fees, parking fees, and concessions at pools, rinks, parks, forests, beaches, ski areas and golf courses maintained by the department for improvements to recreational programs at said facilities, including materials, supplies, equipment, promotional activities and interpretive materials, provided, however, that said

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revenues may be expended by said department only in the following manner: the first two hundred fifty thousand dollars accrued from said fees and concessions in fiscal year nineteen hundred and ninety may be expended as authorized herein, whereas the additional one million dollars may be expended only after the state treasurer has notified the comptroller that a total of six million five hundred thousand dollars in deposits has accrued from said fees and concessions $1,250,000

2443-0001 The metropolitan district commission shall retain and may expend one hundred percent of revenues accrued from admission fees, contributions or donations, and concessions charged at 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 exceed one million five hundred thousand dollars and shall be subject to the approval of the secretary of environmental affairs $1,500,000

Department of Food and Agriculture.

2511-3005 The department of food and agriculture may expend not more than two hundred thousand dollars on the so called "rights of way" program and a program of integrated pest management from fees collected from the registration of pesticide products $200,000

2518-3001 From revenues accruing to the Massachusetts thoroughbred breeding program under the provisions
2518-4001 of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and
2518-5001 seventy-eight, section four of chapter five hundred and fifty-eight of the acts of nineteen hun-
2518-6000 dred 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

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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

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Division of Community Affairs - Private Housing.

3722-9315 The department of community affairs may expend an amount not to exceed six hundred thousand dollars accrued from fees collected for the regulation of TELLER, so-called, projects undertaken pursuant to paragraph (m) of section twenty-six of chapter one hundred and twenty-one B of the General Laws, from fees collected pursuant to Executive Order No. 271, pertaining to low-income housing tax credits, and from fees collected pursuant to the rental development action loan program and the homeownership opportunity program, for the costs of administering said programs, including the costs of personnel, subject to approval of the secretary of the executive office of communities and development, including not more than four positions $600,000

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

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

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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 eight million five hundred sixty 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; including not more than one hundred and seventy positions $8,560,000

Commission for the Blind - Industrial Aid and Workshops.

4110-4015 The bureau of industrial aid and workshops may expend revenues, in an amount not to exceed one
4110-4035 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

Office for Children.

4130-0005 The office for children may expend revenues in an amount not to exceed one hundred thousand dollars, accrued through day care licensing fees and the supplying of day care lists $100,000

Soldiers' Home in Massachusetts.

4180-1100 The Soldiers' Home in Massachusetts, located in the city of Chelsea, may expend three percent 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

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	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 percent 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 percent 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 percent 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 4311-7001	department of correction may expend revenues inan amount not to exceed fourteen million dollars 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 other respective programs	$14,000,000
	Department of Public Welfare -	
	Medical Assistance Program.	
4402-5000	The department of public 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
	Department of Public Welfare - AFDC.	
4403-2013	The department of public welfare may expend an amount not to exceed ninety 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	$90,000,000

Item

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 - Radon.

4510-0605 The commissioner of the department of public health is hereby authorized to establish and maintain a radon control program which will assist in the measurement and analysis of radon levels in the homes of interested citizens and will suggest to homeowners methods of alleviating the radon problems in the homes with excessive levels, provided the department may expend an amount not to exceed one hundred and fifty thousand dollars from revenues received from a program selling charcoal cannisters used for testing radon levels $150,000

Department of Public Health - Indigent Driver Alcohol Education Programs.

4512-0201 The commissioner of the department of public health may expend twenty percent of revenues collected by the chief probation officer pursuant to the ninth paragraph of section twenty-four D of chapter ninety of the General Laws on account of rates in excess of rates authorized in said section as of July first, nineteen hundred and eighty-nine, in an amount not to exceed nine hundred thousand dollars, for the purposes of a program to reimburse driver alcohol education programs for services provided to court adjudicated indigent clients $900,000

Item

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

Department of Public Health -

Infant Formula Price Enhancement.

4513-1012 The commissioner of the department of public health may expend an amount not to exceed five million dollars from revenues received from the infant formula price enhancement system, hereby authorized, for the purpose of increasing the caseload of the WIC program $5,000,000

Department of Public Health - State Laboratory Institute.

4516-0101 The state laboratory institute may expend revenues in an amount not to exceed six 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 $600,000

Department of Public Health Drug Analysis Laboratory.

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

Department of Public Health Hospitals.

4590-0100 Lakeville, Massachusetts Hospital School, Rutland Heights, Tewksbury, Shattuck hospital, Western Massachusetts, and Cushing hospitals within the department of public health may expend an amount not to exceed seventy-five million dollars from revenues collected subject to the

Item

approval of the commissioner of public health. Revenues collected by the aforementioned hospitals may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement; provided, however, that revenues retained in excess of sixty-six million three hundred and seventy-five thousand dollars shall be expended on one-time expenditures that will not add to the expenditure base in subsequent fiscal years. Notwithstanding any general or special law to the contrary, Lakeville, Rutland Heights, and Western Massachusetts hospitals will be eligible to receive both the state and federal share of reimbursements from the medical assistance program of the department of public welfare; provided that, notwithstanding any general or special law to the contrary, Lakeville, Rutland Heights, and Western Massachusetts hospitals shall reimburse the General Fund fifty thousand dollars, one hundred and seventy-two thousand dollars, and one hundred and twenty-eight thousand dollars, respectively, from said receipts for employee benefit expenses $75,000,000

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 allocated to and expended during fiscal year nineteen hundred and ninety 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 ninety for the purpose of offsetting the costs of substitute care within the foster care and group care appropriations appearing in item 4800-0030 and 4800-0040 respectively 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 twenty million dollars, for the provision of substitute care $20,000,000

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 two million and fifty thousand dollars, for the provision of substitute care $2,050,000

Item

Department of Social Services - 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 percent of the amount received under any such contract shall be transferred to the General Fund to reimburse for fringe benefit costs and other nondepartmental 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 - Title IV-F.

4800-0070 The commissioner of the department of social services may expend revenues collected pursuant to Title IV-F of the Social Security Act, in an amount not exceeding five hundred thousand dollars for the provision of day care services $500,000

Department of Social Services -

New Chardon Street Home for Women.

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.

5046-0300 The department of mental health may expend revenues in an amount not to exceed two hundred thousand dollars accrued from rents received from the operation of programs in community-based housing for the mentally ill owned by the commonwealth, for the cost of maintenance and repair of such facilities. By April first of each year, the department of mental health shall submit to the secretary of administration and finance and the house and senate committees on ways and means a report detailing the sources and amounts of all such revenues and the purposes and amounts of all expenditures therefrom $200,000

Item

5047-0100 The commissioner of mental health may expend for adolescent mental health services revenues in an amount not to exceed four 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 $4,500,000

5095-0010 Westborough state hospital may expend for patient care an amount not to exceed one million dollars generated from the Hadley unit; provided, that the first five hundred thousand dollars generated shall revert to the General Fund $1,000,000

Department of Mental Health Hospitals.

5199-0100 The hospitals within the department of mental health, including Gaebler Children's Center, may expend for patient care fifteen percent of the revenues generated from the collection of revenue in an amount not to exceed two million five hundred thousand dollars, subject to the approval of the commissioner of mental health. For the purposes of this section, revenue shall not include any monies collected as retroactive recoveries for prior year's services pursuant to Title XVIII and Title XIX of the Social Security Act; provided however, that revenues collected pursuant to said Title XVIII and Title XIX for services rendered in the fourth quarter of the fiscal year ending June thirtieth, nineteen hundred and eighty-eight shall not be considered to be retroactive recoveries $2,500,000

5299-0100
5399-0100
5498-0100
5499-0100
5599-0100
5898-0100
5899-0100

Department of Mental Retardation.

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

5948-2000 Notwithstanding the provisions of any general or special law to the contrary, the department of mental retardation may expend revenues collected from the establishment of a sliding fee scale for service, in an amount not to exceed five hundred thousand dollars, for the provision of various services $500,000

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

Item

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Aeronautics Commission.

6006-0001 The Massachusetts aeronautics commission may expend revenues for the administration of the commission in an amount not to exceed one hundred thousand dollars generated from increased inspection activity accrued from: 1) aircraft registration fees, pursuant to section forty-nine of chapter ninety; 2) late registration penalties pursuant to section forty-four of said chapter ninety, and 3) sales taxes collected pursuant to said section forty-nine of said chapter ninety, for the administration of the commission $100,000

BOARD OF REGENTS.

7100-1111 Notwithstanding the provisions of any general or special law to the contrary, the boards of trustees 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 twenty-four million dollars, revenues which are attributable solely to the increase in the authorized tuition rates approved by the board of regents in fiscal year nineteen hundred and ninety 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 twenty 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 made from these accounts shall be subject to annual audit by the board of regents . $24,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

8000-0100 The executive office of public safety is authorized to receive and expend revenues in an amount not to exceed sixteen thousand five hundred dollars from the collection of fees for services performed through the auto etching program $16,500

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 and the department of the attorney general for overtime payments made to state police officers assigned by the commissioner to duty with said district attorneys and the department of the attorney general, for the costs of such overtime payments $1,000,000

Item

Division of State Police - Motor Carrier Safety.

8312-6000 The division of state police may expend an amount not to exceed five hundred and fifty thousand dollars from reimbursements received from the motor carrier safety assistance program $550,000

Division of Inspection and Regulation.

8315-6001 The commissioner 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

Massachusetts Fire Fighting Academy.

8350-0100 In addition to the amounts appropriated in item 8350-0100 of section two of this act, the Massachusetts fire fighting academy may expend revenues in an amount not to exceed one million four hundred and twenty-five thousand dollars for the administration of the academy including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, to be in addition to any federal funds available for the said purposes; provided, that notwithstanding the provisions of any general or special law to the contrary, sums for the estimated expenses of the administration of the academy including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, not to exceed one million nine hundred thousand dollars per year, 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 estimated expenses; provided further, that said funds shall be apportioned according to the provisions set forth in section one hundred and ninety-five of chapter one hundred and seventy-five of the General Laws; and provided further, that for the purposes of said section one hundred and ninety-five of said chapter one hundred and seventy-five amountsauthorized to be retained and expended herein shall be deemed funds appropriated to pay the estimated expenses of training facilities and curriculum for firefighting personnel of the academy, including not more than twenty-five positions $1,425,000

Registry of Motor Vehicles - Motor Carrier Safety.

8400-0006 The registry of motor vehicles may expend an amount not to exceed three hundred and fifty thousand dollars from reimbursements received from the motor carrier safety assistance program $350,000

Item

8800-0015 The governor's highway safety bureau may expend an amount not to exceed one hundred and ninety thousand dollars for a motor cycle safety program from revenues accruing in the Motorcycle Safety Fund, including not more than two positions $190,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Department of Employment and Training.

9081-0501 The commissioner of the department of employment and training may expend revenues received pursuant to section fourteen H of chapter one hundred and fifty-one A of the General Laws as inserted by section two of chapter nineteen of the acts of nineteen hundred and eighty-nine, in an amount not to exceed seven hundred thirteen thousand dollars, for the costs of administering the reemployment and job placement fund and contributions, including an amount as determined by the United States Secretary of Labor in accordance with federal cost rules, if applicable, pursuant to said section $356,500

9081-7001 The commissioner of the department of employment and training may expend revenues in an amount not to exceed two million dollars, accrued from charges to employers for the cost of Reemployment Assistance Benefits pursuant to section seventy-one H of chapter one hundred and fifty-one A of the General Laws, for the payment of said benefits $2,000,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary - Home Care/Respite Care.

9100-0100 The department of elder affairs may expend not more than four million dollars, in the aggregate, of
9110-1630 Medicaid waiver revenues received by the department; provided, that not more than sixty thou-
9110-1631 sand three hundred sixty-four dollars may be allocated for the planning and administration of the executive office of elder affairs; provided further that the secretary of elder affairs is hereby authorized and directed to work with the commissioner of public welfare and the director of the office of purchased services to identify all home care program services which meet the federal definition of personal care services in 42CFR 440.170(f) and case management in 1915(g) of Title XIX, and to request federal matching funds for such services furnished to persons eligible for medical assistance under the provisions of chapter one hundred and eighteen E of the General Laws which are not presently reimbursable under any federal waiver program; provided further that the department of elder affairs may expend not more than six million four hundred thousand dollars, in the aggregate, of any federal Medicaid non-Waiver matching funds so obtained, for the purpose of providing home care, home health care, and respite services to qualified elders, provided further that not more than two hundred

thousand dollars of said amount may be expended for the planning and administration of the executive office of elder affairs; provided, further, that not more than four hundred thousand dollars may be expended for the administration of the home care system, including the costs of administrative personnel, travel, and rent, provided further, that not more than one million two hundred thousand dollars of said amount be expended for the administration of the home care program, including the costs of salaries and fringe benefits for care managers, case manager supervisors, home care nurses and other direct care personnel $10,400,000

Office of the Secretary - Home Care Sliding Fees.

9110-1630 The department of elder affairs may expend an amount not to exceed four million four hundred from
9110-1631 thousand dollars revenues generated through home care, home health, and Alzheimer's respite sliding fee systems; said revenues to be expended pursuant to the provisions of item 9110-1630 of section two of this act $4,400,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

9230-1231 The division of registration may expend revenues collected from licensure fees due under the provisions of section seventy-four of chapter one hundred and twelve of the General Laws, chapter five hundred and twenty-one of the acts of nineteen hundred and eighty-seven and chapter seven hundred and sixty-four of the acts of nineteen hundred and eighty-seven, in order to fund the operation of the boards established under said chapters $350,000

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 personsand supervisors) for the purpose of implementing chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven, including not more than ten positions $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

Item		
	Department of Industrial Accidents.	
9440-0300	In addition to the amounts appropriated in item 9440-0200 of section two of this act, the department of industrial accidents may expend for the administration of the department and the advisory council, including "01" and "02" personnel costs, an amount not to exceed nine million six hundred and eighty-five thousand one hundred and fifty dollars from revenues accrued from assessments, fees and fines levied pursuant to chapter one hundred and fifty-two of the General Laws; provided, that an amount equal to the indirect and fringe benefit costs associated with amounts so expended by said department shall be transferred to the General Fund from revenues received from the Special Fund established pursuant to section sixty-five of said chapter one hundred and fifty-two; provided further, that any remaining balances generated from revenues at the end of fiscal year nineteen hundred and ninety shall not revert to the General Fund, but shall be available to said department for expenditure without further appropriation during fiscal year nineteen hundred and ninety-one	$9,685,150

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 anagricultural 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; 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 of the General Laws. 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.

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 items 7061-0003 and 7061-0008 of section two 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.

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
ABINGTON	4,675,187	106,130
ACTON	1,131,469	656,924
ACUSHNET	2,377,516	0
ADAMS	934,822	0
AGAWAM	6,927,498	0
ALFORD	6,076	0
AMESBURY	4,608,967	805,684
AMHERST	4,750,823	0
ANDOVER	2,563,081	693,986
ARLINGTON	4,025,815	8,395,744
ASHBURNHAM	324,393	0
ASHBY	91,563	0
ASHFIELD	50,435	0
ASHLAND	871,345	858,502
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

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
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	0
CLARKSBURG	669,762	0
CLINTON	3,795,555	1,114,975
COHASSET	640,997	527,586
COLRAIN	162,310	0

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
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
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	40,239,838	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

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
FRANKLIN	4,552,508	890,986
FREETOWN	1,029,643	0
GARDNER	5,962,158	752,678
GAY HEAD	0	0
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

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
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
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

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
MARION	206,082	35,068
MARLBOROUGH	2,240,886	5,208,880
MARSHFIELD	3,769,021	1,405,537
MASHPEE	330,237	100,629
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

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
NEW MARLBOROUGH	31,304	5,133
NEW SALEM	24,776	0
NEWBURY	634,369	11,772
NEWBURYPORT	1,837,611	2,749,069
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

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
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	0
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

Municipality	Line Items 7061-0008 Chapter 70	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	198,226
SOUTHBRIDGE	6,924,434	0
SOUTHWICK	0	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	0	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

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
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	192,039	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	94,019	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
WESTWOOD	1,009,097	523,618
WEYMOUTH	11,892,728	6,698,843
WHATELY	103,635	0
WHITMAN	3,973,345	0

Municipality	Line Items 7061-0008 Chapter 70	0611-5500 Additional Assistance
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

Regional School Districts	Line Items 7061-0008	7061-0003
ACTON-BOXBOROUGH	763,203	861,217
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

Regional School Districts	Line Items 7061-0008	7061-0003
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 PHILLIP	1,316,318	1,444,967
LINCOLN-SUDBURY	707,774	494,300
MARTHA'S VINEYARD	199,197	189,950
MASCONOMET	729,974	703,193
MENDON-UPTON	771,462	1,450,977
MOUNT GREYLOCK	711,466	789,655
MOHAWK TRAIL	406,329	676,742
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
QUABOAG	1,854,657	1,821,197
RALPH C MAHAR	995,370	1,075,503
SILVER LAKE	2,444,492	2,394,109
SOUTHERN BERKSHIRE	402,598	357,842
SOUTHWICK TOLLAND	2,198,859	1,975,307
SPENCER-EAST BROOKFIELD	4,365,105	3,295,773
TANTASQUA	904,398	1,313,587

Regional School Districts	Line Items 7061-0008	7061-0003
TRITON	474,685	726,679
WACHUSETT	1,063,609	1,749,185
WARREN-WEST BROOKFIELD	0	0
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
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 any general or special law to the contrary, the state treasurer shall make two equal payments to cities, towns, and regional school districts for all periodic local reimbursement or assistance programs reported by the commissioner of revenue pursuant to section twenty-five A of chapter fifty-eight of the General Laws, and shall make two equal assessments for all assessment programs for which the commissioner of revenue is required to give notice pursuant to said section twenty-five A; provided, however, that said two equal payments shall be made on December thirty-first, nineteen hundred and eighty-nine and on June thirtieth, nineteen hundred and ninety; provided, further, that the state treasurer shall make additional payments on September thirtieth, nineteen hundred and eighty-nine, and on March thirty-first, nineteen hundred and ninety, for some or all of said periodic local reimbursement or assistance programs to any city, town, or regional school district that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary for administration and finance, pursuant to guidelines established by said secretary; provided, further, that the state treasurer shall, on September thirtieth, nineteen hundred and eighty-nine and March thirty-first, nineteen hundred and ninety, make such quarterly proportional payments as revenues permit, said payments being deducted from the payments occurring on December thirty-first, nineteen hundred and eighty-nine and June thirtieth, nineteen hundred and ninety, respectively

SECTION 5. Notwithstanding the provisions of clause forty-first of section seven of chapter four of the General Laws or any other general or special law to the contrary, the commissioner of revenue or any other official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to section twenty-five A of chapter fifty-eight of the General Laws, including but not limited to the chapter seventy school aid program; regional public libraries; additional aid to public libraries; and lottery, beano, and charity games; and for any assessments for which said commissioner is required to give notice pursuant to said section twenty-five A, including but not limited to air pollution control districts; the metropolitan area planning council; the old colony planning council; and the Massachusetts Bay Transportation Authority, shall use the nineteen hundred and eighty-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 6. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety, the lottery distribution 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 clause (c) of section thirty-five of chapter ten of the General Laws, shall be proportional to the lottery distribution of said funds for
the fiscal year ending June thirtieth, nineteen hundred and eighty-nine pursuant to section five of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight.

Notwithstanding the provisions of any general or special law to the contrary, the lottery distribution to cities and towns for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine shall not exceed three hundred and six million dollars; provided, further, that the lottery distribution to cities and towns for the fiscal year ending June thirtieth, nineteen hundred and ninety shall also not exceed three hundred and six million dollars; provided, further, that the first twenty million dollars available for transfer from the Lottery Fund to the Local Aid Fund in the fiscal year ending June thirtieth, nineteen hundred and ninety shall be transferred to a retained revenue account within the executive office for administration and finance and shall be expended for the purposes of item 1599-3850 of section two C; provided, further, that any amount in the balance of the Lottery Fund at the end of such fiscal years shall be transferred to the Local Aid Fund and be available for lawful appropriations allowed from the Local Aid Fund; and provided, however, if the total combined amount for said fiscal years so transferred to the Local Aid Fund for appropriation exceeds thirty-four million dollars, any amount in excess of thirty-four million dollars shall be distributed by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of section thirty-five of chapter ten of the General Laws, in a manner proportional to said lottery distribution of said funds for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine.

SECTION 7. The division of local services within the department of revenue shall develop guidelines governing the disbursement of emergency assistance funds retained by the state treasurer pursuant to item 1599-3850 of section two C of this act. Said guidelines shall require that said division certify, after study and analysis by said division, that a serious financial emergency exists in a city or town requesting such assistance. Certification of a serious financial emergency shall be based upon the city's or town's excess levy capacity, net free cash and overlay surplus, the total bonded indebtedness as a percentage of equalized property valuation of the municipality, less reserves or appropriations available for payment thereof, the inability of the municipality to provide for the public safety, health, education and welfare within the revenues available to the municipality, as well as any other financial criteria deemed appropriate by said division. Guidelines developed pursuant to this section shall also require: (1) that each city or town develop and implement financial management plans to remediate the cause of its financial emergency; (2) that no city or town may receive more than twenty percent of the total amount appropriated in said item and (3) that the house and senate committees on ways and means shall be notified of the approval of any distribution of monies to be made from said item at least fifteen days prior to such distribution.

SECTION 8. Notwithstanding the provisions of section thirty-one of chapter eighty-one of the General Laws or the provisions of any other general or special law to the contrary, the portion of the Highway Fund allocated for reimbursements to cities and towns for costs actually incurred in constructing, maintaining and policing city or town streets or roads shall be distributed in fiscal year nineteen hundred and ninety proportionally to the fiscal year nineteen hundred and eighty-nine distribution of said Highway Fund reimbursements.

SECTION 9. 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 10. During fiscal year nineteen hundred and ninety, notwithstanding the provisions of any general or special law to the contrary, payments for fiscal year nineteen hundred and eighty-nine 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-nine and nineteen hundred and ninety.

SECTION 11. 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 12. 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 13. 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 2260-8870, 4000-0720, 4120-0012, 4202-0021, 4311-0004, 4349-0001, 4349-0025, 4380-0001, 4512-0103, 4513-1000, 4513-1002, 5011-0006, 5095-0000, 5911-0006, 5947 0000 in section two of this act 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 such 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 14. 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 ninety on or before August fifteenth of the fiscal year.

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 the fiscal year; provided, further, that the comptroller shall not authorize payment for any individual compensated through the proceeds from the sale of bonds or notes until the comptroller has promulgated regulations concerning the compensation of such individuals and filed such regulations with the house and senate committees on ways and means.

The commissioner of administration shall file the most recently approved amended schedules of positions no later than September fifteenth, of the fiscal year 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, of the fiscal year 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, the supreme judicial court, the appeals court and the judicial conduct commission.

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-one submitted by the governor to the general court pursuant to said section seven H shall 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-one for social and rehabilitative services. If said recommendations do not include the cost increment factors recommended by the rate setting commission, for fiscal year nineteen hundred and ninety-one, the secretary of the executive office of administration and finance shall submit, to the house and senate committees on ways and means, within thirty days after said budget has been filed with the clerk of the house of representatives, a report explaining why said recommendations are inconsistent with and do not reflect the cost increment factors for nineteen hundred and ninety-one.

SECTION 16. Each member of the general court shall be paid an allowance for each day after prorogation of the general court when on legislative business affairs at the state house in accordance with the schedule contained in section nine B of chapter three of the General Laws.

SECTION 17. 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 office of the comptroller at the close of the fiscal year may be applied to the payment thereof in the four months immediately succeeding such fiscal year.

SECTION 18. 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-nine 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 19. No funds appropriated in section two of this act shall be expended for greeting cards to celebrate Christmas, Hanukah, New Years, or any other holidays.

SECTION 20. Notwithstanding the provisions of any general or special law to the contrary, no funds of the state employees' retirement system, the state teachers' retirement system, or the pension reserves investment trust fund shall be loaned or pledged to the commonwealth, or used for the purchase of any bond, note or other obligation of the commonwealth without the prior approval of the investment committee established under paragraph (a) of subdivision (1) of section twenty-three of chapter thirty-two of the General Laws or of the pension reserves investment management board, as applicable, and the prior written notification of the house and senate committees on ways and means; provided, further, that the requirements of this section shall be in addition to and not in lieu of any other requirements established under any general or special law for the investment and use of such funds.

SECTION 21. The attorney general shall submit a quarterly report within fifteen days of the end of each quarter to the house and senate committees on ways and means and the secretary of administration and finance detailing claims which the department of the attorney general has submitted within the preceding quarter to the office of the state treasurer for payment from item 0611-5000 of section two of this act. Said reports shall show the number and cost of claims submitted for each category of claim. Said categories shall include but shall not be limited to physicians' costs, lost wages, funeral expenses and attorneys' fees. Said reports shall also show the number and cost by said categories broken down by the fiscal year in which said claims were ordered to be paid by the court.

SECTION 22. 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, the parole board, the several district attorneys to fund multidisciplinary 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 Assistance Fund and may be expended in accordance with applicable law and the provisions of this section.

SECTION 23. Notwithstanding the provisions of any general or special law to the contrary, seventy-five percent of item 0611-5000 of section two of this act shall be funded by the Victim and Witness Assistance Fund.

SECTION 24. 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 25. Each city, town, or county receiving monies from item 0330-2200 of section two of this act shall submit (1) a long-term capital improvement plan for 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 sixty-four of the acts of nineteen hundred and eighty-eight 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-nine.

SECTION 26. 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-nine, 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-nine, 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 27. 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 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, nineteen hundred and eighty-nine and nineteen hundred and ninety, not to exceed five thousand dollars per year.

SECTION 28. 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 section two C of this 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 29. 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 section two C 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 30. 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 commu-

nications 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.

SECTION 31. 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, unless justified by extraordinary circumstances certified by the commissioner of administration and submitted to the house and senate committees on ways and means.

SECTION 32. 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 department of revenue, 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.

Said office shall operate in conjunction with the office the state comptroller to establish and implement a plan for the maximization of non-tax revenues.

By the first of November, nineteen hundred and eighty-nine, the office shall: (1) create an institute for community-based services, (2) establish a multi-year financial plan to fund the statewide implementation of pricing reform, (3) establish a multi-year financial plan to fund the statewide implementation of performance contracting, (4) implement a uniform financial report, (5) establish a plan for the implementation of a single audit, (6) establish a plan for the statewide implementation of a sliding fee payment scale, (7) establish a plan for the statewide implementation of a third party reimbursement plan.

By the first of January, nineteen hundred and ninety, the office shall: (1) establish a plan for the statewide implementation of revised contract documents, (2) revise 801 CMR 25.00 as required to implement pricing reform and performance contracting, (3) design a statewide social service data base, and (4) implement the statewide sliding fee payment scale.

By the first of April, nineteen hundred and ninety, the office shall: (1) implement the pricing reform method previously agreed upon for contracts operating in fiscal year nineteen hundred and ninety-one, (2) implement the third party reimbursement plan, and (3) implement the statewide performance contracting plan.

On or before April first, nineteen hundred and ninety, the office shall submit a progress report to the house and senate committees on ways and means and the secretary of the executive office of administration and finance 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 long-range performance objectives imposed by the preceding four paragraphs.

SECTION 33. 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 34. The undersecretary for human resource administration shall be responsible for:

(i) the approval of any contract for services payable from the subsidiary account numbered 03 in the expenditure code manual which has been approved by any secretary having charge of an executive office established under chapters six A or 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;

(ii) preparing or causing to be prepared all reports required by the provisions of section twenty-nine A of chapter twenty-nine of the General Laws;

(iii) ensuring the compliance by all agencies within an executive office established under chapters six A or seven of the General Laws, without limitation, with the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, with the provisions of sections forty-five to forty-nine, inclusive, of chapter thirty of the General Laws, with all applicable provisions of chapter thirty-one of the General Laws, and the provisions of Executive Order two hundred and twenty-seven; 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;

(iv) making recommendations for the reduction of overtime and absenteeism, and his recommendations, if any, for the consolidation of services provided by more than one agency; provided that said recommendations shall be filed with the house and senate committees on ways and means, the joint committee on public service, and the house and senate committees on post audit and oversight;

(v) 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;

(vi) the periodic audit of any decision or determination of any department, commission, office, board, division, institution, or agency regarding the reassignment, reallocation, reclassification, transfer, termination, promotion, demotion, recall, layoff, suspension, or payment of any executive branch personnel, and of any decision or determination of any such department, commission, office, board, division, institution, or agency regarding the payment or refusal to pay or otherwise allow any benefit for or on behalf of any such personnel;

(vii) creating, in consultation with the office of management information systems, a single personnel information management system for all employees of the executive branch, retired employees of the commonwealth, and the beneficiaries of such employees and retirees; provided that such system shall include all information pertinent to the appointment, compensation, retirement benefits, health and other insurance benefits of any such employee, retired employee, or beneficiary, as applicable; provided further, that such system shall also include employees of the trial court, the court of appeals, and the supreme judicial court, subject to the approval of the chief administrative justice of the trial court, the chief justice of the court of appeals, and the chief justice of the supreme judicial court, as applicable;

(viii) ensuring the compilation and publication of all decisions and opinions of the civil service commission and the contributory retirement appeals board;

(ix) ensuring the dissemination by the personnel administrator to all persons subject to the provisions of chapter thirty-one of the General Laws of a description of their rights and obligation thereunder;

(x) preparing or causing to be prepared a report, detailed by secretariat, by state agency within secretariat, and by appropriation account within state agency, of the number of employees of the executive branch receiving compensation through the subsidiary accounts numbered 01 in the expenditure code manual, as amended, including the name, salary, title, position, civil service status, if any, and appointment date of each such employee; provided that such report shall be filed on a quarterly basis with the house and senate committees on ways and means, with the joint committee on public service, and with the house and senate committees on post audit and oversight;

(xi) preparing monthly reports on the efficiency of the state workforce, detailed by secretariat, by state agency within secretariat, and by appropriation account within state agency, including the following:

(a) the number of employees entering and leaving state service;

(b) the rate of absenteeism, detailing the number of persons utilizing sick leave, 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;

(c) the utilization of overtime;

(d) the number of clients served or work products completed; provided that said reports shall be filed with the house and senate committees on ways and means, the joint committee on public service, and the house and senate committees on post audit and oversight;

(xii) preparing a semiannual report of the number and percentage of employees receiving "step" salary increases, the number and percentage of state employees eligible for and the number and percentage of state employees receiving "merit" bonuses; provided that said report shall be filed with the house and senate committees on ways and means and the joint committee on public service no later than the first of September and the first of March each year;

(xiii) preparing a monthly report, detailed by secretariat, by state agency within secretariat, and by appropriation account within state agency, of the number of employees paid through the proceeds from the sale of bonds, through federal grants, or through expendable trust funds, including the name, salary, title, civil service status, if any, and appointment date of each such employee; provided that said report shall be filed with the house and senate committees on ways and means, the joint committee on public service, and the house and senate committees on post audit and oversight.

SECTION 35. The secretary of administration and finance shall prepare a report detailing by secretariat and state agency within each secretariat the number of employees and consultants funded from the proceeds of the sale of bonds or notes or from federal funds and compensated through the "01", "02" or "03" subsidiaries during fiscal year nineteen hundred and eighty-nine. Said report shall include the dollar amount expended on such employees or consultants and shall be filed with the house and senate committees on ways and means no later than November fifteenth, nineteen hundred and eighty-nine.

SECTION 36. 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 then will allocate to each agency a monthly workers' compensation credit equaling ninety percent 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 adminis-

tration may expend any amounts collected from all agencies under this workers' compensation chargeback, not to exceed twelve million dollars, to pay for the hospital, physician, benefits and other costs normally paid out of this account subject to item 1108-6200 of section two C 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 the 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 37. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is hereby authorized and directed to establish a bi-weekly payroll system for all employees currently paid under the weekly payroll system and for all employees under the supervision of the board of regents. Such centralized bi-weekly payroll system shall conform to such rules and regulations as the commissioner of administration, with the approval of the state treasurer, the comptroller, and the personnel administrator, may from time to time make, provided that, within five days of the effective date thereof, said regulations shall be submitted to the clerks of the house and senate, who shall forward the same to the house and senate committees on ways and means. Said regulations shall not be subject to the provisions of chapter thirty A of the General Laws. The comptroller shall prepare and submit to the governor and the council, for their approval, a warrant to meet the total cost of salaries to be included for each payroll and the treasurer shall pay such salaries from the amounts approved in said warrant.

SECTION 38. 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. Said 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.

SECTION 39. 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-nine and June thirtieth, nineteen hundred and ninety, 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 40. There is hereby established a long-term debt management committee, made up of the state treasurer, the secretary of administration and finance, and the comptroller, or their designees. It shall be the responsibility of said committee to review the affordability and condition of the state's general obligation debt, to set annual debt issuance targets, and to formulate annually a long-term debt management plan. In making its determinations, the committee shall consider the capital needs of the commonwealth and its agencies, the criteria used by rating agencies to evaluate the state's bonds, the marketability of the state's bonds, measures of debt burden or capacity, and other factors necessary in developing affordability targets. A long-term debt management plan approved by the committee and including a five year forecast of capital expenditures and bond sales, an estimate of annual debt service costs, including contract assistance, and any recommended changes in debt policy shall be submitted annually to the general court in January as part of the governor's budget recommendation.

Notwithstanding the provisions of any general or special law to the contrary, on or before January first, nineteen hundred and ninety 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 agency program, 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 filing any request for capital outlay authorizations unless said report is attached thereto.

SECTION 41. 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 ninety, 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, or revenues gained due to contractor's services which are aimed at energy cost savings, 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 ninety, 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 42. Notwithstanding the provisions of any general or special law to the contrary, for the period ending June thirtieth, nineteen hundred and ninety, 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 increase any existing fee or charge or establish any new fee or charge unless notice of said increase or new fee is filed with the clerks of the house and senate while the general court is in session and the general court has passed a resolve approving said proposed increase or new fee.

SECTION 43. (1) For purposes of this section, the following words shall have the following meaning:

(a) "Pline", a child between the ages of three and twenty-one who is enrolled in public school and whose primary language is not English;

(b) "Gateway city", any city or town in the commonwealth where at least two different groups of fifty or more Plines, speaking at least two different primary languages, are enrolled in the public schools; where at least eight percent of the students enrolled in the public schools are Plines whose primary language is Asian, which term shall include Chinese, any Chinese dialect, Hmong, Khmer, Lao, Vietnamese, Korean, Japanese, Thai, Hindi, Bengali, Urdu, any other Indian language, and Tamil; or where at least eight percent of the students enrolled in the public schools are Plines whose primary language is Spanish; provided, said enrollment characteristics shall be determined according to the individual school reports submitted to the commissioner of education for the most recent October first, pursuant to section thirty-seven D of chapter seventy-one and section two of chapter seventy-one A of the General Laws, and shall be subject to approval, verification, and adjustment by the commissioner pursuant to section four of chapter seventy of the General Laws, and shall not include students enrolled in regional schools.

(c) "Newcomer", a person who enters the United States as an immigrant or a refugee, a person who is seeking or is granted asylum in the United States, or a person who migrated to the continental United States from Puerto Rico.

(2) There shall be within the executive office of communities and development a council on gateway cities, hereinafter referred to as "the council", consisting of twelve members to be appointed by the governor and three ex officio members. Six of the appointed members shall be mayors or members of the city councils or boards of selectmen of gateway cities. The remaining six appointed members shall include at least one immigrant and at least one refugee. Said remaining members shall be appointed as follows: at least one refugee or immigrant admitted to the United States from Southeast Asia; at least one immigrant or refugee admitted to the United States from Latin America; at least one immigrant or refugee admitted to the United States from a country outside of Southeast Asia or Latin America; at least one person who migrated to the continental United States from Puerto Rico; and at least two representatives of non-governmental organizations providing services to newcomers. The secretary of the executive office of communities and development, hereinafter referred to as "the secretary", the commissioner of education and the commissioner of revenue shall be ex officio members. The council by majority vote of all members shall annually elect its own chairman and such other officers as it sees fit from among its own members. The appointed members shall serve for terms of three years each. Members of the council shall be reimbursed for their necessary expenses incurred in the performance of their duties. The council shall meet at least monthly, and shall advise the secretary on the gateway cities program.

(3) The secretary, with the advice of the council, shall perform the following duties:

(a) review and coordinate the delivery of state services to newcomers;

(b) provide information and referral to the appropriate federal, state, local or non-governmental agency for newcomers seeking assistance and for gateway cities seeking support in meeting the needs of newcomers;

(c) determine the amounts and recipients of the emergency grants authorized by this section and approve or disapprove the expenditure plans of the gateway cities for the additional local aid provided pursuant to this section;

(d) monitor the expenditure of funds by each municipality to ensure compliance with its plan of activities and withdraw approval of additional local aid or emergency grants to a municipality found to be in noncompliance with its plan of activities; and

(e) study and evaluate the concerns of gateway cities and newcomers regarding the adjustment of newcomers to life in the commonwealth, and recommend any further legislation which said secretary deems necessary or desirable.

(4) The secretary, with the advice of the council, shall approve or disapprove applications for grants to gateway cities for the provision of services needed on an emergency basis because of a rapid increase in the number of newcomers living in a city.

(5) Every gateway city may in fiscal year nineteen hundred and ninety receive an amount of local aid in addition to all other amounts, which shall be determined in accordance with the following formula: for each such city, the amount appropriated for this purpose shall be multiplied by a fraction, the numerator of which is that city's "gateway allocation" and the denominator of which is the sum of the gateway allocations for all of the cities in the commonwealth. Said gateway allocation for each city shall be determined by multiplying the percent of plines in the school population of said city by the absolute number of plines in said school population, multiplied by the per capita need, so-called, used to allocate funds under section three of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight.

Said additional aid shall not be released to any such gateway city until the secretary approves a plan submitted by said city for the expenditure of such aid.

(6) The secretary, with the advice of the council, shall adopt regulations containing criteria for the selection of recipients of grants authorized by this section and the approval of spending plans for the additional local aid authorized by this section. Such regulations shall include criteria designed to ensure that grants and spending plans approved under this section directly benefit newcomer groups, and that such spending plans reflect, to the extent feasible, the needs and concerns of all newcomer groups represented in the population of the gateway city receiving such additional local aid. Such regulations shall authorize, but not require, the provision of services, pursuant to such spending plans, through contracts with non-governmental organizations providing services to newcomers or other non-governmental organizations.

SECTION 44. 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 45. Notwithstanding the provisions of any general or special law to the contrary, expenses incurred by the residential conservation service program, within the executive office of energy resources, to a maximum of one hundred ninety-two thousand, two hundred and ten dollars, plus the cost of fringe benefits as calculated by the commissioner of administration pursuant to section six B of chapter twenty-nine of the General Laws, shall be assessed upon utility companies of the commonwealth in accordance with the provisions of chapter twenty-five A of the General Laws.

SECTION 46. The commissioner of the department of environmental quality engineering shall submit monthly to the house and senate committees on ways and means and the joint committee on natural resources and agriculture the following information for the purposes of determining whether the department may need supplemental funds in any given fiscal year for the purposes of chapter twenty-one E of the General Laws: (1) revenues collected pursuant to sections five and seven of said

chapter twenty-one E, to be deposited in the Environmental Challenge Fund, for the preceding month; (2) total of such revenues collected for the current fiscal year to date; (3) billings for such revenues for the preceding month; (4) total billings for the current fiscal year to date; (5) a projection of such revenues anticipated for the remainder of the current fiscal year; (6) whether the department will need additional funding for such purposes based on current fiscal year obligations and expenditures to date from item 2260-8870; (7) whether additional monies for such purposes may be needed before the end of the fiscal year; and, (8) the number of full-time and part-time positions currently filled as of the third week of the preceding month.

SECTION 47. The purchase of service division within the executive office of human services 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. The office of contract management shall (1) develop ongoing human service agency field staff training programs to ensure the implementation of a responsible human service purchase of service system; (2) 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; and (3) 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-one, 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 purchased services within the executive office for administration and finance, for the purpose of applying said guidelines to all social and rehabilitative services.

SECTION 48. 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-nine, 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 percent 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 49. The executive office of human services is hereby authorized, in concert with its constituent agencies, to arrange the necessary interagency agreements to shift six hundred and fifty clients from sheltered workshops and day programs to supported employment, in cooperation with the executive office of economic affairs and the department of employment and training.

SECTION 50. Notwithstanding the provisions of section thirty-two of chapter six A of the General Laws or any other general or special law to the contrary, the rate setting commission's bureau of educational, social and mental health services shall follow pricing procedures developed by the executive office for administration and finance's office of purchased services.

For the reporting period covering fiscal year nineteen hundred and eighty-nine, the rate setting commission shall not require human service providers who contract with the commonwealth to submit the RSC 1100.

For fiscal year nineteen hundred and ninety-one, the rate setting commission's bureau of educational, social and mental health services shall issue prices for all social, educational and rehabilitative services under its purview as approved by the office of purchased services within the executive office for administration and finance. For fiscal year nineteen hundred and ninety-one, any state agency responsible for purchasing said social, educational or rehabilitative services shall comply with pricing guidelines established by said office of purchased services.

In fiscal year nineteen hundred and ninety, and in each ensuing fiscal year, prior to the governor's annual budgetary recommendation to the general court for the following 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.

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 4513-1005 of section two of this act.

SECTION 52. By November first, nineteen hundred and eighty-nine, the rate setting commission shall estimate any percentage change in rates or fiscal impact of any changes in regulations for fiscal year nineteen hundred and ninety-one 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 November first, nineteen hundred and eighty-nine, the public health council shall estimate the cost to the commonwealth of the rules and regulations to be promulgated by the council for fiscal year nineteen hundred and ninety-one 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 said cost of each such certificate.

If rates or regulations to be promulgated by the commission or regulations to be promulgated by the council during fiscal

year nineteen hundred and ninety will result in costs for the fiscal year nineteen hundred and ninety estimated to be in excess of those funded in the general appropriations act for said fiscal year, amended or supplemented, or will result in costs for the following fiscal year estimated to be in excess of those recommended for funding in the governor's budget recommendation for said following fiscal year, then any such rates or regulations shall be submitted to the executive office for administration and finance for prior approval, which approval shall only be granted after consultation with the executive office of human services.

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 twenty-three of the acts of nineteen hundred and eighty-eight 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. 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 commissioner 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 commissioner of the office for children, and a member of the child care coalition. The department of social services shall receive no administrative funding for their involvement in this program. 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-nine; January first, nineteen hundred and ninety; April first, nineteen hundred and ninety; and July first, nineteen hundred and ninety.

SECTION 55. 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 56. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare is hereby authorized and directed to revise its rules and regulations pursuant to law with respect to the emergency assistance program as follows: (1) those grant recipients living in public or subsidized housing shall not be eligible for emergency assistance in the case of a rent or utility arrearage; provided, that the commissioner may waive this provision in the event that denial of emergency assistance would lead to eviction or in other extraordinary circumstances; (2) the department of public welfare shall not expend funds to house recipients in hotels and motels unless the rate to be paid for such housing has been approved by the secretary of administration and finance; provided, that said secretary shall not approve any such rate in excess of the area market rate for comparable hotel and motel accommodations.

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-nine and quarterly reports thereafter for fiscal year nineteen hundred and ninety, 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 expenses, utility services, fuel and public housing or public assisted housing. Said report shall also include a numerical breakdown, by service offices, of the 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 approval of 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 ninety, a plan to phase out the use of hotels and motels as emergency shelters by July first, nineteen hundred and ninety-one.

SECTION 57. 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 medical assistance 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 medical assistance and which shall set standards to be used in determining presumptive eligibility by providers who qualify to do so under the department criteria.

SECTION 58. 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 percent 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 percent 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 postpartum 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 percent of the non-farm income poverty guidelines prescribed by the United States office of management and budget.

SECTION 59. The department of public welfare shall conduct a study of the feasibility of reducing costs in the medicaid program by making volume purchases of certain frequently used products such as, but not limited to, hearing aids, pharmaceuticals, prosthetics, wheelchairs, lab services, oxygen, and x-rays. The department shall submit a report on said study to the house and senate committees on ways and means on or before October first, nineteen hundred and eighty-nine.

SECTION 60. The rate setting commission shall conduct a study of the feasibility of utilizing the resource based relative value scales, so-called, for the payment of physician services in the medicaid program of the commonwealth. The department shall submit a report on said study to the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and eighty-nine.

SECTION 61. The department of public welfare shall prepare and submit to the house and senate committees on ways and means and the committee on human services and elderly affairs, a proposal for providing home and community based care and services for Title XIX recipients with acquired immune deficiency syndrome who are at risk for hospital care. Said proposal shall meet the requirements for a section 2176 waiver, so-called, as provided for in Public Law 97-35 and amended by Public Laws 99-272 and 100-203, and shall describe the types of service which will be included; provided, however that the projected average per capita costs for persons receiving expanded services under the waiver shall not exceed the costs that would have been incurred had a waiver not been granted, provided, however, that in calculating per capita costs for the purposes of this section, the department may consider the cost to the commonwealth of the current provision of similar non-federally reimbursable services by the department of public health.

The department is further directed to prepare and submit to the general court, a proposal for a waiver under section 1915 (e) of Title XIX of the Social Security Act, as amended by Public Law 100-360, to provide home and community based care and related services to so-called "boarder babies".

The department may hold public hearings to determine the scope and need for services to be provided under the waiver proposals, but shall file the proposals no later than January first, nineteen hundred and ninety. If no action has been taken to disapprove said proposals, the department shall file a request for a section 2176 waiver and a request for a section 1915 (e) waiver to the Health Care Finance Administration no later than March first, nineteen hundred and ninety.

SECTION 62. The Massachusetts Rehabilitation Commission shall, as a priority matter, assist in the appeals of Title XIX recipients with acquired immune deficiency syndrome who are disqualified for coverage under the Medicare program.

SECTION 63. 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 64. 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, however, 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 65. 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 medical assistance recipients 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 66. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, those insurers who offer policies of medicare supplement insurance shall offer a group medicare supplement to that group of medical assistance recipients 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 67. Any person eligible for public assistance, as determined by the department of public welfare, under the provisions of chapters one hundred and seventeen, one hundred and eighteen A, and one hundred and eighteen E of the General Laws, who is not maintaining his own home and is receiving care in a public psychiatric institution

shall receive or retain a personal needs allowance, so-called, under the same terms and conditions of any such allowance authorized under section one of said chapter one hundred and seventeen and section six of said chapter one hundred and eighteen E.

The admission of a person receiving assistance under said chapter one hundred and seventeen to a public psychiatric institution for less than two months shall not qualify said person for an allowance under this section, nor shall such temporary admission affect the amount of benefits paid under said chapter one hundred and seventeen until two months following the commencement of temporary admission.

SECTION 68. 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.

SECTION 69. 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 and 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.

SECTION 70. 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 71. The department of public welfare, in consultation with the department of mental health, is hereby directed to develop all standards and documentation requirements necessary to implement the "rehabilitation option", so-called, of the medicaid state plan for community services offered by the department of mental health. The department of public welfare shall issue a report of its findings, including estimates of future revenue from implementation of the "rehabilitation option", so-called, no later than September thirtieth, nineteen hundred and eighty-nine.

SECTION 72. 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 deposit companies, and the amount of wages received or amount of financial resources. Upon the receipt of such information, such agencies, and where appropriate, local administering agencies or local housing authorities, shall seek to verify the accuracy of the information presented in accordance with regulations promulgated by the fraudulent claims commission within the executive office for administration and finance which shall include the requirement of consultation with the recipient whose status is in question. If after such informal inquiry an agency, or where appropriate, local administering agencies or local housing authorities, determine that a recipient has incorrectly received benefits under such a program, such agency shall take appropriate formal action in accordance with state and federal law to correct the error, including, but not limited to, termination of benefits. No adverse action shall be taken against any recipient in the unemployment insurance benefits program or the public assistance program of the department of public welfare, except after affording such recipient full opportunity to contest such action in accordance with the law, including prior notice and hearing. No adverse action shall be taken against recipients in the other programs included in the reporting system except after meeting with such recipients, providing them with an explanation for the proposed action, detailing the evidence upon which the action is based, and allowing for any other procedures which an administering agency uses to take an adverse action against a recipient in its program.

When any agency has probable cause to believe that the receipt of incorrect benefits under any such program was a result of a fraudulent action by the recipient, such agency shall refer the case to the bureau of special investigations for further action in accordance with regulations promulgated by the fraudulent claims commission. Such regulations shall provide for 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 73. Notwithstanding the provisions of any general or special law to the contrary, the department of employment and training, shall review plans for the provision of employment and training programs, to be developed by each regional employment board, established by section one hundred and five of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight, for its corresponding service delivery area, so-called. The department shall develop job training placement programs and service plans for each service delivery area which incorporates to the extent possible the recommendations of the corresponding regional employment board plan and the policies and guidelines of the MASSJOBS council. The department shall ensure that, for each service delivery area, said regional employment board plan: (1) identifies the employment and training needs of employers; (2) identifies businesses and industries with a significant need for labor; and (3) identifies populations in need of employment and training services and the types of services they require. The department shall develop recommendations as to how regional employment boards shall be enabled to assume these responsibilities.

The department shall ensure that each regional employment board shall receive the technical assistance necessary to carry out these responsibilities, and may utilize all program resources available to it to provide such technical assistance whenever possible.

The department shall develop a method for monitoring the success of the employment and training activities of each regional employment board. The department shall collect data on the employment and training activities of each regional employment board. Said data shall include, but not be limited to: the number of clients served and the cost per client, categorized by type of service received; the number of businesses assisted; the number of clients placed in jobs, the amount of time said clients remain in those jobs and the average wage earned.

In order to reduce duplicative and unnecessary work, the department shall, to the extent possible, develop uniform reporting requirements for those vendors providing employment and training services.

To assist the department in carrying out the above activities, and to encourage and enhance the participation of the private sector in the commonwealth's employment and training programs, the department shall utilize the assistance and expertise of the Bay State Skills Corporation whenever possible.

SECTION 74. 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, 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, review how changing economic and employment trends may impact upon the employment and training needs of client populations and how the employment and training system may meet those needs and reconcile diverse agency goals and develop priorities among said goals.

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 ongoing projects and programs; and (5) a review of short-term and long-term occupational demand within the commonwealth.

The department shall be responsible for providing staff and technical assistance, whenever possible to the council to enable the council to carry out its responsibilities, and may utilize all program resources available to it for this purpose.

SECTION 75. The commissioner of public safety is hereby authorized to charge the various offices of the district attorneys of the commonwealth and the office of the attorney general for overtime payments made to state police officers assigned by the commissioner to duty with said district attorneys and attorney general 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 and the attorney general 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 76. The estimated cost of fringe benefits associated with the operation of training facilities and curriculum for fire fighting personnel of the Massachusetts Fire Fighting Academy shall be paid to the commonwealth by insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated within the commonwealth within thirty days after notice from the commissioner of such estimated expenses; provided further, that said cost 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.

SECTION 77. 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 secretary of administration and finance, the house and senate committees on ways and means and the joint committee on education, arts and humanities 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 78. 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 79. Notwithstanding the provisions of any general or special law to the contrary, if any city, town or regional school district eligible to receive an equal educational opportunity grant in fiscal years nineteen hundred and eighty-eight, nineteen hundred and eighty-nine and nineteen hundred and ninety incurs debt in fiscal year nineteen hundred and ninety in an amount not to exceed the increase above said city's, town's or regional school district's fiscal year nineteen hundred and eighty-eight equal educational opportunity grant which said city, town or regional school district would have been eligible to receive in fiscal year nineteen hundred and eighty-nine if equal educational opportunity grants in fiscal year nineteen hundred and eighty-nine were funded at the level recommended by the general court in chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight as enacted by the general court on July eighth, nineteen hundred and eighty-eight and if said debt is incurred to augment the fiscal year nineteen hundred and ninety equal educational opportunity grant for said city, town or regional school district and if the amount borrowed is used for purposes consistent with chapter seventy A of the General Laws, the commonwealth shall reimburse said city, town or regional school district in fiscal year nineteen hundred and ninety-one for the amount borrowed for such purposes in fiscal year nineteen hundred and ninety and for debt service incurred on said amount.

SECTION 80. The board of education shall file with the house and senate committees on ways and means and with the joint committee on education, arts and humanities a comprehensive report providing an implementation update on chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five. Said report shall be filed no later than January thirtieth, nineteen hundred and ninety, 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 ninety; 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 81. 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 commonwealth 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 Building Authority and in order to meet the estimated cost of heat, light, power and other services to be furnished by the commonwealth to projects of the Massachusetts State College Building Authority and the University of Lowell Building Authority; provided that such payments shall not exceed nine hundred and sixty-five thousand dollars for the state colleges and not exceed seventy-five thousand dollars for the University of Lowell for the cost of heat, light, power and other services for said projects; the boards of trustees of these state colleges and universities shall transfer to the General Fund from the funds received from the operation of said projects such costs as will be incurred for the aforesaid purposes in the current fiscal year, as determined by the appropriate building authority, verified by the board of regents, and approved by the commissioner of administration and the house and senate committees on ways and means.

SECTION 82. Notwithstanding the provisions of any general or special law to the contrary, no transfer of personal data shall be made to the long term care data base, authorized pursuant to item 9110-1645 in section two of this act, from the executive office of elder affairs, the department of public health, the department of public welfare or any other state agency prior to the promulgation by the respective state agency of regulations governing such transfer of personal data, provided, however, that all personal data held by said long term care data base shall be subject to the provisions of chapter sixty-six A of the General Laws.

SECTION 83. The board of regents shall conduct a study of the cost to the higher education system by means of tuition waivers, tuition exemptions and tuition remissions at the institutions of higher education under the board of regents. The report of said study shall include whether tuition waivers, tuition exemptions and tuition remissions should be eliminated or restricted. Said report shall be filed with the clerks of the senate and house of representatives, with the joint committee on education, arts and humanities, and with the house and senate committees on ways and means on or before January first, nineteen hundred and ninety.

SECTION 84. There is hereby established an advisory committee to study the feasibility of creating administrative efficiencies within the home care system through the group purchase of health care and benefit packages and retirement plans, in addition to any other purchasing practices and administrative initiatives the committee may determine to address. Said committee shall consist of the secretary of the executive office of elder affairs or his designee, who shall act as chairman; the assistant secretary for the office of purchased services within the executive office of administration and finance, or his designee; a representative from the Service Employees International Union, Local 509; the executive director of a home care corporation; a member of the governing body of a home care corporation, who shall be from a home care corporation other than that at which said executive director is employed; and a representative from the Elder Home Care Case Management Association, Incorporated. Said committee shall make recommendations to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and eighty-nine.

SECTION 85. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts state lottery commission is authorized and directed to operate the Daily Numbers Game seven days a week.

SECTION 86. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority is hereby authorized and directed not to sell, convey, lease or allow the use of the land of said Authority located in the towns of Dedham and Westwood, known as the Route 128 railroad station for any purposes other than transportation purposes without leave of the general court.

SECTION 87. Notwithstanding the provision of any general or special law to the contrary, the state treasurer, with the approval of the state auditor, shall reimburse cities and towns for the costs of complying with chapter three hundred and five of the acts of nineteen hundred and eighty-seven.

SECTION 88. Funds appropriated, not to exceed one million three hundred thousand 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 elder affairs; provided, that any such salary increases shall be effective for the full fiscal year nineteen hundred and ninety; provided further, that the salary reserve in item 9110-1631 shall be over and above the cost of living salary increase defined in said item and shall come from other funds provided for the purpose of a salary reserve by this account. Salary increases funded by this account shall be limited to the following employees, as defined by the executive office of elder 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 elder 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 not later than thirty days after the award of any salary upgrade funds.

SECTION 89. Notwithstanding the provisions of any special or general law to the contrary, the provisions of this section shall limit the growth of state spending in any fiscal year ending on or after June thirtieth, nineteen hundred and ninety-one.

The words in this section shall have the meanings attributed to them in section one of chapter twenty-nine of the General Laws, provided that the following words shall have the following meanings unless the context clearly requires otherwise:-

"State revenue", all income collected and retained by the state as defined in said section one of said chapter twenty-nine; provided that net transfers to the budgetary funds shall also be included; provided that any extraordinary transfers shall not be included in the amount of net transfers; provided, further, that federal grants shall not be included; and provided, further, that both encumbered and unencumbered monies from a prior fiscal year shall not be included.

"State spending", all expenditures by the state from budgetary funds, including debt service accounts, and all expenditures from revenue retention accounts; provided that expenditures from bond funds, federal reimbursements for capital expenditures, trust funds, and federal grants shall not be included.

SECTION 90. Notwithstanding the provisions of any general or special law to the contrary, the office of the comptroller shall be responsible for the management of non-tax revenue collections by state agencies. Non-tax revenues shall include but not be limited to federal and other reimbursements, departmental fees and fines, interest income, and assessments. The comptroller shall insure that proper systems for the management of cash and revenues are in place and that initiatives designed to maximize non-tax revenue are implemented in a timely and effective manner. Internal control regulations, designed to establish minimum acceptable cash, revenue, and disbursement procedures for state employees, shall be promulgated by the office of the comptroller no later than January first, nineteen hundred and ninety. Training sessions in internal control procedures, at which attendance by senior agency administrators shall be mandatory, shall be held by the comptroller's office beginning no later than sixty days after promulgation of the said regulations.

SECTION 91. The state treasurer shall prepare and submit to the house and senate committees on ways and means on or before August fifteenth, November fifteenth, February fifteenth, and May fifteenth official cash-flow projections for the current fiscal year and for the fiscal quarters beginning October first, January first, April first, and July first, respectively. Included in said projections shall be estimated spending and revenue, along with assumptions used to derive said estimates and identification of any cash-flow gaps. Variance reports, which compare actual revenues and spending with planned revenues and spending, shall be produced weekly by the treasurer and distributed to the comptroller's division, the department of revenue, and the executive office for administration and finance. All data required by the treasurer's office for production of annual and quarterly cash-flow projections and weekly variance reports shall be submitted by state agencies in a timely fashion, on or before deadlines established by the treasurer's office. The department of revenue shall be responsible for providing estimates of tax receipts and the office of the comptroller for providing estimates of agency spending and non-tax revenue receipts.

The executive office for administration and finance and the treasurer's office shall jointly develop and approve annual and quarterly cash management plans to address gaps identified by cash-flow projections and variance reports. Said management plans shall clearly identify the roles to be played by short-term borrowing, investment policy, expenditure controls, and revenue management in providing necessary cash. An annual cash management plan, approved by the secretary for administration and finance and the state treasurer, shall be submitted to the house and senate committees on ways and means on or before September first, with quarterly updates filed on January first, April first, and July first.

SECTION 92. The Massachusetts turnpike authority is hereby authorized and directed to assume from the department of public works its responsibility to maintain state highways sufficiently clear of snow and ice to be reasonably safe for travel. For the purposes of this section, the Massachusetts turnpike authority is hereby authorized to contract with said department or with any other public or private entity for the purpose of removing snow and ice from state highways.

SECTION 93. The Massachusetts Industrial Finance Agency is hereby authorized and directed to provide the Massachusetts Product Development Corporation with two million dollars to be used as investment capital provided, however, the Massachusetts Product Development Corporation is hereby authorized and directed to create, issue, and sell a minimum of one hundred shares of preferred stock. The Massachusetts Industrial Finance Agency is hereby authorized and directed to purchase from the Massachusetts Product Development Corporation one hundred shares of preferred stock of the corporation in the amount of two million dollars. The Massachusetts Product Development Corporation shall use the proceeds from the sale of stock as investment capital. Massachusetts Product Development Corporation shall consult with the board of directors of the Massachusetts Industrial Finance Agency prior to investing said investment capital. Any investment capital provided to the Massachusetts Product Development Corporation by the Massachusetts Industrial Finance Agency shall be considered a project as that term is defined by section thirty of chapter twenty-three A of the General Laws. The terms of the investment shall be negotiated between said entities. The Massachusetts Product Development Corporation shall have the first option on said preferred stock.

The Massachusetts Technology Development Corporation is hereby authorized and directed to provide an investment in the form of a qualified security to the Massachusetts Product Development Corporation. The amount of the investment shall be equal to one hundred ninety-five thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and ninety. The Massachusetts Technology Development Corporation shall make four equal payments to the Massachusetts Product Development Corporation on the following dates: July first, nineteen hundred and eighty-nine, October first, nineteen hundred and eighty-nine, January first, nineteen hundred and ninety, and April first, nineteen hundred and ninety. The Massachusetts Product Development Corporation is hereby authorized and directed to develop a final business plan for the solicitation of alternative funding sources no later than December thirty-first, nineteen hundred and eighty-nine, a preliminary draft of which shall be completed no later than September thirtieth, nineteen hundred and eighty-nine. Said final plan and preliminary draft shall be submitted to the house and senate committees on ways and means, the joint committee on commerce and labor, the secretary of economics affairs, and the office of the inspector general. Beginning on September thirtieth, nineteen hundred and eighty-nine, said corporation shall submit quarterly reports on the progress of the solicitation of alternative funding to said committees, said secretary, and to the office of the inspector general. If reasonable changes in the structure of the Massachusetts Product Development Corporation are needed to accommodate the needs of an alternative funding source, said corporation shall submit such proposed changes along with such progress reports to said committees, said secretary, and to the office of the inspector general.

SECTION 94. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety, the Massachusetts Housing Finance Agency is hereby authorized and directed to pay three million, eight hundred twenty-five thousand dollars from funds available in the unrestricted fund balance of said agency for the cost of the section thirteen A interest subsidy program; said amount to be in addition to any amount appropriated in item 3722-9201 of section two of this act.

SECTION 95. Notwithstanding the provisions of any general or special law to the contrary, any city, town, or regional school district with an outstanding loan to finance school construction may advance refund said loan using level debt service bonds, provided that the present value, discounted at such rate as the state treasurer shall deem appropriate, of the principal and interest payments due on the refunding bonds exceeds the present value of the principal and interest payments to be paid on the bonds to be refunded by an amount no more than two percent of the par value of the refunding bonds. In the event that a loan is refunded as described in the previous sentence for a school project which is subject to state reimbursement under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, the department of education shall not reduce or increase the amount of said reimbursement paid annually to the city, town, or regional school district subsequent to the refunding.

SECTION 96. Single subsidiary accounts of "00 Subsidiary Expenditures" shall apply to the general court, the office of the governor, the office of the lieutenant governor, and the following items of section two of this act: 0200-0100, 0320-0001, 0320-0003, 0322-0001, 0322-0002, 0511-0000, 0610-0000, 0710-0000, 0810-0000, 0900-0100 and 8312-6000. Except as otherwise provided in section fourteen 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 97. 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 ninety, 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 98. Notwithstanding the provisions of any general or special law to the contrary, before the department of education approves any discretionary program changes proposed by a special education program in its application for a rate determination, the rate setting commission shall prepare and the department of education shall review cost estimates for any such program changes. Notwithstanding the provisions of section thirty-two of chapter six A of the General Laws or any other general or special law to the contrary, the rate setting commission each fiscal year shall determine rates for every special education program over which it has jurisdiction on or before the first Wednesday in February for the next fiscal year. Annual program rates may be adjusted thereafter only to reflect costs attributable to extraordinary changes in volume or other extraordinary changes beyond the control of the provider of the program. Any such adjustment shall be prospective. To obtain relief for extraordinary changes beyond the control of the provider, providers shall apply to an independent review board which shall be within the department of education but not subject to its control. Said board shall consist of one special education administrator, one member of the department of education, and one representative of a private school approved pursuant to chapter seventy-one B of the General Laws, all of whom shall be selected by the department of education; one representative of the rate setting commission who shall be selected by the rate setting commission; and one representative of the Massachusetts municipal association who shall be selected by said association. Members shall be appointed on a case by case basis. Said board may approve, reject or amend the request based on cost models established jointly by the department of education and the rate setting commission. The recommendation of said panel shall be final. Notwithstanding the provisions of any general or special law to the contrary, no rate may be adjusted retroactively to its effective date except to account for the results of an administrative review pursuant to the regulations of the rate setting commission. Nothing herein shall preclude the rate setting commission after such first Wednesday in February from determining the initial rate for a new program established under said chapter seventy-one B for the first time, or from determining individual or sole source rates for placements approved by the school committee or determined according to section three of said chapter seventy-one B.

SECTION 99. The secretary of administration, in conjunction with the department of personnel administration, the office of contract negotiation, and office of human resource administration is hereby authorized to study the feasibility of creating a department of personnel management, including a bureau of classification, a bureau of contract negotiation, a bureau of civil service, a bureau of appeals, a bureau of employee benefits, and other bureaus or divisions as may be appropriate. Such new department would fulfill all duties currently performed by the office of contract negotiation, the department of personnel administration, the office of human resource administration, and such other existing departments as may be appropriate. Said study shall be filed with the clerks of the house and senate on or before January first, nineteen hundred and ninety who shall forward the same to the house and senate committees on ways and means.

SECTION 100. The governor is hereby authorized and directed to expend the amount appropriated in item 0411-1150 for staff to the governor and for the operations of the executive offices so as to improve the efficiency and effectiveness of their operations and reduce the total number of employees in such executive offices. The governor is further authorized and directed to prepare and submit to the general court by September first, nineteen hundred and eighty-nine, a reorganization plan pursuant to Article LXXXVII of the Amendments to the Constitution for the purpose of transferring, abolishing, consolidating, or coordinating the whole or part of any such executive office or the functions or agencies thereof. The purpose of such proposed reorganization shall be to simplify the structure of state government and to manage its activities more efficiently and cost effectively. Such proposed reorganization shall take into account issues including but not limited to the missions and mandates of the executive offices both individually and collectively, the possibility of using alternative management techniques and lines of authority to attain a more efficient allocation of limited resources, elimination of unnecessary duplication of functions across and within executive offices, and a feasible schedule for the accomplishment of such reorganization.

SECTION 101. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental quality engineering shall be known as the department of environmental protection. Legislation to change all references in the general laws from department of environmental quality engineering to department of environmental protection shall be filed with the general court by the commissioner of the department of environmental protection no later than October first, nineteen hundred and eighty-nine.

SECTION 102. Notwithstanding any provision of chapter six A of the General Laws or any other general or special law to the contrary, all nursing home rates, whether interim or otherwise, established by the rate setting commission for nursing homes' nineteen hundred and ninety fiscal year, shall be reviewed and approved by the secretary of administration and finance before final promulgation or implementation. No such rates shall be approved by said secretary or promulgated by said commission unless the weighted average of said rates is determined not to exceed the comparable rates for the preceding year by more than the annual increase of the medical component of the national consumer price index; provided, however, that said secretary may approve rates for particular nursing homes that exceed said limit if he finds, after consultation with the rate setting commission and the secretary of human services, that said rates are required to comply with Title XIX of the federal social security act.

Notwithstanding any general or special law to the contrary, the rate setting commission shall implement a prospective rate system for nursing and rest homes on or before January first, nineteen hundred and ninety-one.

SECTION 103. The department of public welfare shall study the feasibility of creating a long-term care trust fund as a supplement or as an alternative to the long-term care Medicaid program currently in effect. Said trust fund, jointly funded by subscriber contributions and state appropriation, would provide non means-tested, time-limited long-term care health insurance coverage to all Massachusetts citizens who have contributed to the fund, who are over sixty-five years of age, who are in need of long-term care services, whether institutional or home-based, and who receive services from qualified providers. A report of detailed study findings, including, if applicable, a recommended set of terms and conditions for operating such a program, a list of statutory or regulatory obstacles to the implementation of such a program at both the federal and state levels, an actuarially sound financial analysis which projects necessary levels of state appropriation and subscriber contribution for the program to operate successfully, and a recommended series of steps necessary for implementation shall be submitted to the house and senate committees on ways and means no later than February first, nineteen hundred and ninety.

SECTION 104. 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-one, 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 recommendations prepared pursuant to section six of said chapter twenty-nine a statement by facility of all categories of operation 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 105. 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 ninety.

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-nine. A municipal grant restriction policy shall become effective no later than January first, nineteen hundred and ninety.

SECTION 106. The deputy commissioner of the division of capital planning and operations is hereby authorized and directed to develop a project accounting system for all pool accounts including, but not limited to asbestos, handicapped access, demolition, fire protection improvement, environmental hazards, air pollution, energy, preventive maintenance, waste water treatment and toxic waste clean up. Said project accounting system shall be utilized to assess charges for all project related costs including, but not limited to, administrative overhead. The deputy commissioner may, in accordance with schedules approved by the commissioner of administration and finance, employ or reassign employees of the division to said project as may be required provided that the salaries and administrative expenses shall be charged to the accounts funding the project. Said charges shall not exceed seven percent of the following appropriation accounts: 1102-7881, 1102-7882, 1102-7885, 1102-7886, 1102-7887, 1102-7890, 1102-7893, 1102-7894, 1102-7895, 1102-7896, 1102-7897, 1102-7898, 1102-8869, 1102-8880, 1102-8890, 1102-8891, 1102-8892, 1102-8893, 1102-8895, 1102-8899.

SECTION 107. Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall implement on or before January first, nineteen hundred and ninety a sliding fee charge system for voluntary group care and foster care placements funded through item 4800-0030 and item 4800-0040 in section two of this act. Regulations, guidelines, or written policies used to implement said charge system shall be submitted to the house and senate committees on ways and means at least thirty days prior to promulgation. An impact report, identifying by income category the number of clients charged, the amounts charged, revenues collected, and changes, if any, in utilization of voluntary services or utilization patterns subsequent to the imposition of said charge system, shall be submitted to the house and senate committees on ways and means no later than June thirtieth, nineteen hundred and ninety.

SECTION 108. Notwithstanding the provisions of any general or special law to the contrary, the state treasurer and the department of revenue are prohibited from depositing public funds as so-called "compensating balances" with financial institutions. With respect to contracts entered into on or after the effective date of this act all deposits of the treasurer and the department of revenue shall be in interest-bearing accounts.

SECTION 109. Every agency, board or commission of the commonwealth shall, relative to the lease, purchase of, or to maintenance contracts for computer, data or word processing equipment or systems, including microcomputers, computer accessories and software, make use of any volume-based or other purchase discounts made available through the companies with which they are contracting; provided, however, that the provisions of this section shall not apply to the general court, the office of the governor, the office of the lieutenant governor, the office of the secretary of state, the office of the state treasurer, the office of the state auditor, the office of the attorney general, and any public institution of higher learning in the commonwealth.

SECTION 110. There is hereby established a special commission to consist of three members of the senate, six members of the house of representatives and four persons to be appointed by the governor, one of whom shall be a currently sitting associate justice of the superior court department of the trial court, one of whom shall be a representative of the Association of Clerks/Magistrates, one of whom shall be a representative of the Chief Probation Officers Association, and one of whom shall be the president of the Massachusetts Bar Association, is hereby established for the purpose of making an investigation and study relative to the effectiveness and efficiency of the administrative structure of the trial court of the commonwealth, including without limitation, the adequacy of progress made on decreasing court backlogs, the adequacy of progress made in the automation of information and support systems, and the adequacy of progress made on the implementation of a planning process. Said commission shall report to the general court the results of investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives on or before the last Wednesday in April, nineteen hundred and ninety.

SECTION 111. 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 three persons to be appointed by the governor, one of whom shall be a representative of the banking industry in the commonwealth, one of whom shall be an agent who is a member of the Massachusetts Association of Life Underwriters, and one of whom shall be a representative of the insurance industry in the commonwealth, for the purpose of considering the scope and extent of financial services offered to consumers in the commonwealth by depository and non-depository institutions. Said commission shall be co-chaired by the senate and the house of representatives.

Said 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 on or before the first Wednesday of December, nineteen hundred and eighty-nine.

SECTION 112. There is hereby established a special commission to consist of two members of the senate, three members of the house of representatives, the secretary of the executive office of administration and finance, the secretary of the executive office of public safety, the commissioner of the metropolitan district commission, the commissioner of public safety, one member of the Massachusetts Police Chief Association, and two persons to be appointed by the governor, one of whom shall be a member of the Massachusetts taxpayers foundation, and the secretary of administration and finance shall serve as chair.

Said commission is hereby authorized to make an investigation and study and prepare plans relative to the complete or partial consolidation of the division of state police, the police appointed or employed by the metropolitan district commission, the division of law enforcement in the registry of motor vehicles, and the department of capitol police. Said commission may travel within the commonwealth and may conduct public hearings. Said commission shall consult regularly with the chiefs of the respective police forces under consideration, and with representatives designated by the coalition of public safety, the State Police Association of Massachusetts, and the metropolitan police patrolmen's union. Said commission shall file its recommended plan regarding such consolidation with the clerks of the house of representatives and senate and the house and senate committees on ways and means no later than January first, nineteen hundred and ninety. Said plan shall contain a proposal capable of being implemented on July first, nineteen hundred and ninety. Said plan shall address all issues relevant to such consolidation, including, but not limited to the following: a feasible schedule for accomplishing such consolidation; efficiency and effectiveness of law enforcement operations; differences and similarities among the powers and duties of the respective police forces; comparability of salaries, seniority rights, civil service rights, vacation and sick leave, overtime compensation, and other employee rights and benefits of the employees of the respective police forces; methods of preserving such rights upon any such consolidation; the collective bargaining implications of any proposed consolidation, including the possibility of accrediting police officers into a single bargaining unit; an appropriate management structure for a consolidated police force; and protection of the rights of managerial employees upon such a consolidation.

SECTION 113. There is hereby established a special commission to consist of one member of the senate, one member of the house of representatives and the commissioner of the department of mental retardation or his designee, the director of the office of employee relations or his designee, the Superintendent of the Belchertown state school, the Director of Region I of the department of Mental Retardation, and six persons to be appointed by the governor, one of whom shall be a representative from each of the following: Local 509, Service Employees International Union, the American Federation of State, County and Municipal Employees, the National Association of Government Employees, and the Massachusetts Nurses Association, a member of the board of selectmen from the town of Belchertown or his designee to be appointed by said board, and a member of a client advocacy group, is hereby established for the purpose of making an investigation and study relative to the impacts of the closing of the Belchertown state school.

Said commission shall study the economic impact of the closing of the Belchertown State School, including but not limited to the effects of said closing on the current employees of the facility. Said commission shall report the results of its investigation and study and its recommendations, if any, together with any drafts of legislation necessary to carry its recommendations into effect, by filing same with the clerks of the house of representatives and the senate on or before June thirtieth, nineteen hundred and ninety.

SECTION 114. Section 82 of chapter 6A of the General Laws, as appearing in section 20 of chapter 23 of the acts of 1988, is hereby amended by adding the following paragraph:-

(d) Notwithstanding any other provisions of this chapter, the patient care costs of a hospital which qualifies for low cost hospital adjustments pursuant to clause (h) of section ninety-one shall include the amount of such adjustments for the hospital's fiscal year nineteen hundred and ninety calculated in accordance with clause (p) of section ninety-six.

SECTION 115. Section 82A of said chapter 6A, as so appearing, is hereby amended by adding the following paragraph:-

(c) Notwithstanding any other provisions of this chapter, the patient care costs of a hospital which qualifies for low cost hospital adjustments pursuant to clause (h) of section ninety-one shall include the amount of such adjustments for the hospital's fiscal year nineteen hundred and ninety-one calculated in accordance with clause (p) of section ninety-six.

SECTION 116. The first paragraph of section 91 of said chapter 6A, as so appearing, is hereby amended by adding the following clause:-

(h) Federally qualified sole community providers which have not received a low cost hospital adjustment determined in accordance with clause (a) to (g), inclusive, may qualify for a low cost hospital adjustment applicable to the hospital's fiscal years nineteen hundred and ninety and nineteen hundred and ninety-one, provided:

(1) the hospital provides more than fifty percent of its services to the beneficiaries of the Medicare program, and,

(2) the hospitals in the service area of the sole community provider shall on average, have received low cost hospital adjustments in excess of five percent of hospital's fiscal year nineteen hundred and eighty-eight patient care costs, calculated in accordance with section eighty.

For the purposes of this section and of section ninety-six, the hospital's service area shall be defined to include the region within forty driving miles of the hospital, as determined by the commission.

SECTION 117. Section 96 of said chapter 6A, as so appearing, is hereby amended by adding the following clause:-

(p) hospitals which qualify for the low cost hospital adjustments pursuant to clause (b) of section ninety-one shall receive two semi-annual adjustments beginning on the first day of the hospital's fiscal year nineteen hundred and ninety.

Each said adjustment shall be calculated by the commission as a percentage to be multiplied by the hospital's adjusted prior year costs for the year preceding the fiscal year in which the low base cost adjustment applies. The percentage amount of each of the two adjustments shall be the same, and shall be calculated as follows:

(1) For all hospitals in the qualifying hospital's service area that received a low cost hospital adjustment, perform the following steps:

(a) Multiply the sum of the fiscal 1988 and fiscal 1989 low cost hospital adjustments as specified in sections paragraph (b) of eighty and paragraph (b) of eighty-one by one minus the percent of the hospital's charges for services provided to Medicare beneficiaries in fiscal year nineteen hundred and eighty-eight, and,

(b) Sum the results of the calculation described in subparagraph

(a) for the hospitals in the qualifying hospital's service area. This sum represents the numerator.

(c) Sum the patient care costs of the hospitals for fiscal nineteen hundred and eighty-eight as calculated in accordance with section eighty. This sum represents the denominator.

(d) Divide subparagraphs (b) and (c) and divide the result obtained by paragraph (2).

(2) The Commission shall then divide the ratio calculated in paragraph (1) by one minus the proportion of the qualifying hospital's fiscal year nineteen hundred and eighty-eight revenue attributable to Medicare covered services.

(a) For the first adjustment, this fraction shall in turn be multiplied by the qualifying hospital's fiscal year nineteen hundred and eighty-nine patient care costs, and the result added to the qualifying hospital's patient care costs for fiscal year nineteen hundred and ninety at the start of that fiscal year.

(b) For the second adjustment, this fraction shall in turn be multiplied by the qualifying hospital's fiscal year 1989 patient care costs and the result added to the qualifying hospital's patient care costs on April first, nineteen hundred and ninety.

SECTION 118. Section 4A of chapter 7 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 executive office for administration and finance shall include a purchasing agent's division in charge of a purchasing agent, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor; a division of public employee retirement administration headed by a commissioner; department of personnel administration, in charge of a personnel administration, who shall have the rank of commissioner; a division of

employee relations, headed by a deputy commissioner for employee relations; a fiscal affairs division, headed by a deputy commissioner for fiscal affairs; a division of capital planning and operations; and a central services division, headed by a deputy commissioner for central services; and a department of revenue, headed by a commissioner of revenue.

SECTION 119. *Paragraph (b) of section 30 of chapter 23A of the General Laws, as so appearing, is hereby amended by* striking out the definition of "Institution" and inserting in place thereof the following definition:-

"Institution", a nonprofit corporation organized to operate a facility or facilities that provide cultural or educational services, but not including (i) a nonprofit hospital within the commonwealth licensed by the department of public health, (ii) a nonprofit health maintenance organization within the commonwealth licensed by the commissioner of insurance, and (iii) a nonprofit nursing home within the commonwealth licensed by the department of public health; provided, however, that any such hospital, health maintenance organization, or nursing home shall be considered to be an institution for the purposes of financing any project approved by the board on or before September first, nineteen hundred and eighty-nine; provided further, that any such hospital, health maintenance organization, or nursing home shall be considered to be an institution for the subsequent refinancing or refunding of any project approved by the board on or before September first, nineteen hundred and eighty-nine; and provided further, that nothing in this definition shall be construed to limit the power or authority of the agency to provide financing to any person which is otherwise authorized by this chapter or any other provision of law.

SECTION 120. Said paragraph (b) of said section 30 of said chapter 23A, as so appearing, is hereby further amended by striking out the definition of "Public body" and inserting in place thereof the following definition:-

"Public body", *the commonwealth, and any body politic and corporate of the commonwealth, including any political* subdivision or instrumentality thereof, which is empowered to issue bonds secured by a pledge of revenues or other special funds or assets, including any municipality or district for which the issuance of debt is governed or limited by the provisions of chapter forty-four; provided, that notwithstanding any provision in chapter forty-four to the contrary, any public body borrowing money from the agency shall be authorized to borrow such money on such terms and at such interest rates as are permitted under the provisions of this chapter for bonds issued by the agency.

SECTION 121. Paragraph (c) of section 35 of said chapter 25A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The agency may issue bonds for the purpose of financing such lending.

SECTION 122. Chapter 63 of the General Laws is hereby amended by inserting after section 38K the following section:-

Section 38L. Every corporation that files a return may voluntarily contribute all or part of any refund to which it is entitled or may voluntarily add an amount onto any amount due to be credited to the Massachusetts Nongame Wildlife Fund.

A contribution made under this section may be made with respect to any taxable year at the time of filing the return of the tax imposed by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in *which such contribution shall be made on the face of the return required by section five of chapter sixty-two C.*

The commissioner shall annually report the total amount designated under this section to the state treasurer who shall credit such amount, plus accrued interest, to the Nongame Wildlife Fund.

SECTION 123. Section 6D of chapter 62 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the third paragraph and inserting the following paragraph:-

The commissioner shall annually report the total amount designated under this section to the state treasurer who shall credit such amount, plus accrued interest, to the Nongame Wildlife Fund.

SECTION 124. Section 60G of chapter 231 of the General Laws is hereby amended by adding the following paragraph:-

(e) To the extent the department of public welfare has provided public assistance benefits pursuant to chapters one hundred and seventeen, one hundred and eighteen, and one hundred and eighteen E, as a result of an incident of malpractice, negligence, error, omission, mistake, or the unauthorized rendering of professional services, nothing in this section shall be construed to affect said department's right of subrogation or right to a lien against any judgment or settlement, nor shall a court reduce an award by the amount of public assistance benefits provided by said department pursuant to chapters one hundred and seventeen, one hundred and eighteen, and one hundred and eighteen E.

SECTION 125. The last paragraph of section 20 of chapter 645 of the acts of 1948, added by chapter 301 of the acts of 1988, is hereby amended by inserting after the word "bids" in line 3, the words:- or has received an affirmative vote in a municipal election to authorize funding for said project pursuant to the provisions of section twenty-one C of chapter fifty-nine of the General Laws.

SECTION 126. Paragraph (g) of section 3 of chapter 614 of the acts of 1968, as amended by section 2 of chapter 789 of the acts of 1985, is hereby further amended by inserting after the word "health", the first time it appears, in line 2, the words:- ; or a nonprofit nursing home within the commonwealth licensed by the department of public health.

SECTION 127. Chapter 161A of the General Laws is hereby amended by adding the following section:-

Section 30. As used in this section the following words shall, unless the context requires otherwise, have the following meanings:-

"Nontransportation revenues", any and all Massachusetts Bay Transportation Authority revenue sources resulting from sources other than state or local taxes, state or authority bonds, federal mass transportation assistance and fares.

"Maximize", increase to the highest level possible within the bounds of sound financial planning and accepted transportation practices.

The directors shall establish and implement policies that provide for the maximization of nontransportation revenues from all sources.

The directors shall report to the legislature and the advisory board sixty days prior to approval of the annual budget on their efforts to maximize nontransportation revenues.

SECTION 128. Section four of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four is hereby repealed.

SECTION 129. Section 4 of chapter 614 of the acts of 1985 is hereby amended by striking out the last paragraph, added by chapter 131 of the acts of 1987, and inserting in place thereof the following paragraph:-

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

SECTION 130. This act shall take effect as of July first, nineteen hundred and eighty-nine.

This bill was returned on July 13, 1989 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:

0141-0000	0185-7861	1102-3290	4311-0011	6010-0009
0185-7000	0185-7889	1108-1010	4510-0115	7032-0211
0185-7803	0185-7890	2000-0150	4510-0610	7061-0007
0185-7814	0185-7963	2120-1505	4510-0900	7077-0021
0185-7823	0610-6603	3300-0000	4512-0550	7400-0200
0185-7858	0635-0001	3748-0010	4513-1006	9110-1905

Sections 79, 87, 88, 92, 108, 119, 120, 121

SECTION 2. Items Reduced:

Item	Reduce by	Reduce to	Item	Reduce by	Reduce to
0121-8000	40,000	900,000	0185-7860	55,000	20,000
0125-0000	55,000	1,179,734	0200-0100	127,489	1,235,267
0125-0040	400,000	400,000	0321-0100	27,096	514,830
0132-0000	185,000	2,365,000	0321-1500	450,000	38,039,236
0132-1000	50,000	327,900	0321-2100	20,930	397,670
0133-0000	50,000	200,000	0322-0001	130,000	1,001,585
0143-0003	10,000	142,880	0322-0002	133,566	2,537,754
0161-0000	75,000	1,897,000	0330-0100	225,573	23,912,470
0163-0000	10,000	135,000	0330-0300	245,000	3,655,000
0164-0010	55,000	35,000	0330-0400	382,595	7,447,160
0169-7103	37,230	975,000	0330-2010	16,795	151,150
0185-7209	40,009	9,991	0330-2020	76,007	323,993
0185-7804	37,250	12,750	0330-2205	791,342	7,406,997
0185-7821	37,250	12,750	0330-3200	557,196	10,586,723
0185-7822	115,000	35,000	0330-3300	285,517	1,245,508
0185-7831	47,916	2,084	0332-0100	92,500	1,757,500
0185-7834	67,000	33,000	0332-1100	23,698	1,370,282
0185-7840	38,000	12,000	0332-1200	12,945	748,528
0185-7843	14,000	6,000	0332-1300	7,448	430,652
0185-7844	35,500	24,500	0332-1400	12,419	718,117
0185-7845	36,500	13,500	0332-1500	5,823	336,677
0185-7853	35,750	11,750	0332-1600	16,453	951,353
0185-7856	40,000	10,000	0332-1700	25,423	1,470,051

Item	Reduce by	Reduce to
0332-1800	27,860	1,610,936
0332-1900	13,114	758,303
0332-2000	4,317	249,614
0332-2100	21,419	1,238,523
0332-2200	7,240	418,623
0332-2300	3,003	173,646
0332-2400	17,965	1,038,784
0332-2500	10,096	583,764
0332-2600	30,264	1,749,951
0332-2700	27,102	1,567,147
0332-2800	6,239	360,755
0332-2900	15,831	915,408
0332-3000	10,907	630,679
0332-3100	5,780	334,218
0332-3200	11,766	680,350
0332-3300	13,365	772,793
0332-3400	9,574	553,608
0332-3500	55,486	3,208,381
0332-3600	10,786	623,704
0332-3700	23,306	1,347,657
0332-3800	5,457	315,534
0332-3900	40,752	2,356,442
0332-4000	32,272	1,866,050
0332-4100	15,651	905,021
0332-4200	13,697	792,016
0332-4300	9,888	571,750
0332-4400	31,099	1,798,247
0332-4500	21,125	1,221,524
0332-4600	50,359	2,911,900
0332-4700	28,036	1,621,156
0332-4800	15,577	900,687
0332-4900	27,886	1,612,448
0332-5000	20,724	1,198,349
0332-5100	2,789	161,244
0332-5200	26,523	1,533,663
0332-5300	60,172	3,479,336
0332-5400	18,521	1,070,961
0332-5500	21,508	1,243,656
0332-5600	12,265	709,178
0332-5700	43,816	2,533,604
0332-5800	21,118	1,221,106
0332-5900	20,796	1,202,485
0332-6000	18,300	1,058,162
0332-6100	17,772	1,027,636
0332-6200	11,349	656,220
0332-6300	24,442	1,413,326
0332-6400	57,902	3,348,097
0332-6500	25,070	1,449,603
0332-6600	60,822	3,516,955
0332-6700	14,219	822,197
0332-6800	24,170	1,397,566
0332-6900	41,345	2,390,705
0332-7000	13,148	760,251
0332-7100	5,874	339,664
0332-7200	2,267	131,090
0332-7300	13,690	791,575
0332-7400	13,890	803,157
0332-7500	7,232	418,204
0332-7600	13,957	807,067
0332-7700	7,146	413,231
0332-7800	11,248	650,370
0332-7900	6,673	385,832
0332-8100	12,076	698,249
0332-8200	6,540	378,152
0332-8300	4,114	237,868
0332-8500	5,811	335,995
0332-8600	5,785	334,501
0334-0001	250,000	2,074,323
0335-0001	200,000	5,170,655
0339-1001	350,000	4,204,712
0339-2200	17,500	17,500
0340-0100	388,835	7,387,860
0340-0200	286,976	5,452,548
0340-0300	176,249	3,348,726
0340-0400	191,912	3,646,326
0340-0500	131,573	2,499,886
0340-0600	83,091	1,578,727
0340-0700	58,398	3,236,102

Item	Reduce by	Reduce to
0340-0800	126,190	2,397,624
0340-0900	132,500	2,517,500
0340-1000	55,804	1,060,286
0340-1100	50,303	955,761
0411-1000	170,208	1,652,200
0411-1100	37,096	369,138
0411-1130	178,089	545,771
0411-1140	24,759	232,650
0411-1150	868,910	1,097,788
0411-9000	75,308	656,073
0412-1000	62,729	564,548
0413-1000	47,834	325,881
0511-0000	300,000	5,573,221
0511-0200	25,000	529,410
0517-0000	25,000	330,382
0521-0000	75,000	1,228,333
0526-0100	75,000	673,021
0610-0000	697,000	9,260,111
0611-5500	80,362,786	685,977,883
0612-0100	144,000	2,735,601
0710-0000	400,000	10,951,852
0710-0100	100,000	789,853
0900-0100	47,722	982,278
1000-0001	750,000	5,125,536
1100-1100	75,000	1,000,854
1101-2100	266,400	2,265,140
1101-2380	500,000	14,837,690
1102-3210	981,491	8,833,421
1102-3301	776,640	18,283,598
1103-5010	141,808	4,558,395
1104-1010	55,000	254,546
1108-0100	12,250	232,750
1108-1000	101,000	1,399,000
1108-1002	175,000	874,475
1108-1003	350,000	3,127,340
1108-2500	21,620	410,775
1108-3000	87,266	758,056
1108-3200	2,000,000	11,660,000
1108-4010	100,000	1,352,019
1108-5100	105,258	1,999,907
1110-1000	100,000	407,406
1121-0100	25,000	1,170,295
1150-5100	231,000	1,274,200
1231-0100	150,000	6,564,477
1310-1000	38,000	1,024,867
1599-0008	70,000	180,000
1599-3800	5,371,107	128,893
2050-0100	18,000	207,275
2200-0101	225,000	567,000
2240-0600	537,928	58,846
2260-8870	2,500,000	4,599,397
2300-0100	19,000	336,246
2320-0100	15,000	116,875
2410-1000	70,000	1,601,508
2410-9061	250,000	250,000
2440-0010	379,334	29,756,622
2440-0043	38,570	100,000
2443-2000	402,421	3,645,995
2444-9001	86,825	1,649,665
2444-9004	115,000	366,500
2444-9005	250,000	2,150,000
2444-9006	35,000	15,000
2460-1000	25,000	3,991,000
2518-1000	100,000	561,184
3000-0302	1,000,000	2,000,000
3722-8878	500,000	2,801,847
3722-8880	1,000,000	2,728,979
3722-9001	199,157	631,471
3722-9108	180,000	570,000
3722-9109	175,000	175,000
3743-2036	150,000	2,100,000
3745-1000	4,000,000	8,699,000
4000-0720	21,000	1,366,637
4000-0790	32,000	500,494
4000-0791	8,000	199,600
4110-0001	13,000	1,037,000
4110-1020	8,000	480,638
4110-2010	88,500	424,251

Item	Reduce by	Reduce to
4110-2040	221,000	5,498,632
4110-3010	34,000	1,661,962
4110-4000	6,000	1,119,154
4120-0071	155,000	7,354,990
4125-0100	110,000	3,602,496
4130-0002	25,000	150,000
4130-0005	270,000	7,604,966
4130-0016	38,000	1,887,000
4170-0012	21,000	1,023,619
4170-0400	110,000	10,930,165
4180-0100	695,000	15,208,445
4311-0001	100,000	6,082,913
4311-0003	100,000	4,790,888
4311-0005	245,000	3,879,715
4349-0008	1,000,000	20,489,966
4400-1000	2,000,000	136,500,000
4400-4000	1,500,000	3,500,000
4510-0103	78,000	613,501
4510-0600	363,000	3,016,458
4510-0611	80,000	160,000
4510-0710	300,000	4,909,298
4510-0750	220,000	429,616
4510-0790	100,000	597,199
4512-0103	252,000	19,748,000
4512-0200	795,000	38,855,340
4512-0500	69,000	2,576,089
4513-1000	954,000	19,508,648
4513-1002	66,000	7,259,000
4513-1005	355,229	2,864,950
4516-1000	136,000	14,924,000
4518-0100	216,451	1,723,549
4540-0001	5,483,000	35,453,929
4600-1000	165,000	1,855,000
4800-0015	100,000	14,241,763
4800-0025	30,505	2,240,780
4800-0060	2,600,000	67,997,748
4800-0150	500,000	18,672,288
4800-0250	1,965,000	67,399,051
5011-0100	1,000,000	21,833,488
5046-0000	6,798,000	152,216,605
5049-0000	500,000	7,178,539
5911-0100	30,422	11,876,120
6005-0017	1,545,800	24,000,000
6006-0003	75,000	395,659
6020-2501	182,000	6,418,000
6030-7401	100,000	1,600,000
6030-7601	900,000	5,483,777
7000-9101	37,107	705,348
7010-0005	100,000	9,650,000
7010-0043	466,000	8,854,000
7027-0016	300,000	900,000
7028-0031	139,480	9,500,000
7028-0101	209,759	200,000
7030-1000	1,504,000	8,496,000
7030-1500	100,000	6,000,000
7030-2000	3,375,000	5,625,000
7030-2001	100,000	900,000
7030-5000	200,000	100,000
7035-0004	3,225,000	61,275,000
7051-0015	103,348	300,000
7052-0005	600,000	119,400,000
7052-0006	171,609	673,391
7061-0008	19,637,214	1,198,906,257
7061-0009	300,000	7,000,000
7061-0010	300,000	100,000
7061-5000	513,233	2,900,000
7070-0031	160,000	6,438,284
7077-0020	57,290	342,710
7077-0023	300,000	4,500,000
7100-0101	200,000	867,933
8400-0002	150,000	2,927,650
8400-0004	290,000	6,363,352
8500-0001	136,000	2,851,823
9000-0101	50,000	471,151
9000-0104	15,000	58,250
9000-0110	2,000,000	769,255
9000-1820	50,000	647,123
9000-1920	1,122,000	1,106,524

Item	Reduce by	Reduce to
9000-2000	89,000	427,577
9000-2200	12,000	588,000
9081-0350	2,630,000	3,186,969
9081-7000	100,000	400,000
9081-7006	50,000	400,000
9081-7010	48,000	788,077
9081-7011	150,000	1,581,250
9081-7016	94,628	718,146
9100-0100	125,000	2,907,915
9110-1630	2,500,000	83,017,186
9110-1660	164,000	839,322
9110-1665	3,800	179,064
9110-1900	465,000	7,120,628
9200-0100	45,705	703,203
9210-0001	50,000	2,593,036
9215-0001	7,133	342,867
9218-0100	40,000	752,336
9222-0100	100,050	5,699,950
9230-0150	21,569	2,135,331
9272-0001	30,000	1,013,544
9300-0004	323,324	1,274,151
9400-0102	80,000	163,658
9400-1711	410,000	2,090,000
9410-0001	144,000	5,937,564
9420-0100	30,000	728,707
9421-0100	19,000	434,227
9430-0100	7,000	930,636

SECTION 2A Items reduced in amount:

Item	Reduce by	Reduce to
0111-9000	200,000	523,086

SECTION 2C

Item	Reduce by	Reduce to
6006-0001	75,000	25,000

SECTION 2 Items reduced in amount and by striking the wording:

Item	Reduce by	Reduce to	Wording stricken
0330-2000	131,000	2,969,000	"; provided, that said libraries remain open for a minimum of six hours per day Monday through Friday, during the fiscal year nineteen hundred and ninety"
0330-2200	5,256,709	29,121,349	"equal to an amount which is at least ninety percent of the amount owed to such county for such rent per quarter of the preceding fiscal year"
		and	
			:, 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"
0612-1010	15,600,000	611,496,000	"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 three percent"
		and	
			"provided that notwithstanding the provisions of section nine B of chapter twenty-nine of the General Laws, the sum of the amounts herein appropriated and the amounts anticipated to be recovered by the commonwealth under section six B of said chapter twenty-nine or under section five D of chapter forty of the General Laws shall be deposited into the commonwealth's pension liability fund in equal quarterly payments, the first such desposit to be made on July first, nineteen hundred and eighty-nine, unless the amounts required to be paid hereunder for any quarter exceed one quarter of the sum of the amounts herein appropriated and the amounts so recovered, in which case the amount to be deposited into said fund for any such quarter shall be equal to the amount required to be so paid for such quarter;"

Item	Reduce by	Reduce to	Wording stricken
1107-2400	281,681	578,319	"; and the architectural access board"
2000-0100	360,000	2,628,250	"including not less than one hundred thousand dollars for regional planning agencies and conservation districts for land use planning and developmental activities;"
		and	
			"5) *a program of acid rain research; provided however, that not less* than one hundred sixty thousand dollars be appropriated for said program;"
2100-000	1,080,000	28,092,376	"provided, that not less than fifty thousand dollars be allocated for the purposes of conducting a study for the protection, management and future use and development of Upton State Forest, provided further, that not less than fifty thousand dollars be allocated for developing an open space park on the eastern shore of Louisa lake, which shall include the construction of adequate parking facilities, landscaping, and the placing of barriers to prevent unauthorized motor vehicle on said park land;"
		and	
			"; provided that not less than fifty dollars shall be expended for the expenses of the Blackstone River Valley National Heritage Corridor Commission, contingent upon the receipt of federal funds for the same purpose, in addition to any other funds expended for the Blackstone River and Canal Heritage State Park"
2100-1107	590,000	283,000	"provided that not less than one hundred thousand dollars shall be allocated for research grants into source reduction technology and *methods;*"
2200-0100	1,721,000	24,987,941	"provided, that an amount not exceeding twenty-eight thousand dollars shall be used for weed control and cleanup at Hoosac Lake in Cheshire, 11) provided, further, that an amount not less than twenty thousand dollars shall be appropriated as a grant to the town of Holliston for the purposes of furthering the cleanup of lakes in

Item	Reduce by	Reduce to	Wording stricken
			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 be considered a public purpose; and"
			and
			"; provided, further, that fifty thousand dollars be obligated to the city of Leominister for emergency, temporary repairs to certain water lines located on Pleasant View avenue in the town of Lunenburg"
2300-0150	30,000	61,814	"; provided that not less than thirty thousand dollars be allocated for the expenses of a program to restore and preserve the environmental and recreational quality of the Sudbury River"
2330-0100	200,000	2,675,798	"provided, further, that not more than two hundred thousand dollars shall be allocated for a program of self-help to cities and towns for the cultivation, propagation and suppression of enemies 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 of the amounts appropriated by said city or town for the cultivation, progagation and suppression of enemies 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 towns's annual expenditure for the cultivation, propagation and suppression of enemies of shellfish in the preceeding year;"
2440-0044	230,000	70,000	"Kings, Nahant, Revere, and Winthrop Beaches, the Chestnut Hill Reservoir, Quincy and Winthrop Shore Drives, Gallivan and Morrissey Boulevards, New England Sports Museum, Mary O'Malley Waterfront Park in Suffolk County."
			and
			"; provided that not less than sixty-seven thousand dollars be allocated for police patrols at Revere Beach"

Item	Reduce by	Reduce to	Wording stricken
2511-4000	50,000	943,270	"that not more than seventy-five thousand dollars be obligated for the agriculture in the classroom program, provided further,"
3743-2027	115,000	1,919,000	"; provided further, that not less than sixty-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 not less than fifty thousand dollars be expended for the support of community and economic development activities carried out by the Roslindate Village Main Street Corporation"
4406-2000	3,300,000	126,200,000	"that the payment standard shall be increased four percent as of July first, nineteen hundred and eighty-nine; provided further,"
4510-0110	188,000	1,286,752	"; provided further, that notwithstanding 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 Center"
7010-0042	350,000	5,000,000	"; provided further, that of the sum appropriated herein, not less than two hundred thousand dollars be obligated for magnet education programs in the city of Lynn"
7061-4000	5,200,000	2,400,000	"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-nine multiplied by ten dollars; provided further,"
7070-0065	600,000	83,400,000	"that not less than three hundred thousand dollars shall be obligated for nursing scholarships at institutions of higher learning located within the commonwealth; provided further,"
7100-0102	777,786	4,000,000	"Bristol, Plymouth,"
		and	
			"that on the first day of July, nineteen hundred and eighty-nine, all persons employed and positions budgeted for immediately prior to January first nineteen hundred and eighty-eight by Bristol and Plymouth counties for the purposes of said county cooperative

Item	Reduce by	Reduce to	Wording stricken
			extension programs, not to exceed twenty-four positions, shall be transferred to the employ of the commonweatly and nothing herein shall be construed to alter, impair, or modify the term of tenure of any such person in such employment and the retirement rights of any such persons currently in service or retired shall not be affected hereby; provided further, that all books, papers, records, documents, and equipment purchased by the counties of Bristol and Plymouth for the custody and use of cooperative extension prior to the effective date of this act shall become the property of the commonwealth to be held in custody by and for the use of county cooperative extension in Bristol and Plymouth counties; provided further,"
8400-0001	1,124,000	33,416,272	"provided further, that said registry of motor vehicles shall operate and maintain a branch office in the town of Northbridge;"
		and	
			"and shall not be less than three hundred and twenty-five"
9000-1801	645,000	1,230,388	"; 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 workers' organization serving low income people and the Hispanic population of Western Massachusetts"
9000-1900	590,000	5,910,000	"provided, that two hundred and fifty thousand dollars shall be expended on a cultural exchange program with the Soviet Union;"
9110-1631	2,187,000	41,313,000	"provided further, that home care corporations who receive contracts from said executive office for fiscal year nineteen hundred and ninety shall provide not more than a four and twenty-five one-hundredths of a percent cost of living salary increases for home care corporation personnel employed as of January first, nineteen hundred and ninety; provided further, that not less than one million three hundred thousand dollars shall be placed in a reserve for the executive office of elder affairs to fund additional salary increase for home care personnel; provided further, that the funding for additional salary increases be subject to the provisions of section eighty-eight of this act;"

SECTION 2C

Item	Reduce by	Reduce to	Wording stricken
1121-0510	91,000	11,109,000	"provided further, that not less than fifty thousand dollars shall be available to the Riverside Theatre Works; provided further that not less than forty-one thousand dollars shall be available for a grant program of "scholars in residence";"

SECTION 2 Items reduced in amount and by striking the wording and inserting in place therof the following:

Item	Reduce by	Reduce to	Wording inserted
0321-1600	102,908	1,955,245	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 sixty thousand and ninety-two dollars shall be obligated for a disability representation project; provided further, that not less than four hundred ninety-nine thousand, four hundred and thirty-six dollars shall be obligated for a medicare advocacy project; provided further, that not less than three hundred ninety-five thousand, seven hundred and seventeen 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 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"
0321-2000	15,977	303,559	For expenses of the mental health legal advisors committee, and for certain programs for the indigent mentally ill, as provided in section thirty-four E of chapter two hundred and twenty-one of the General Laws; provided, however, that no expenditure or commitment made pursuant thereto shall be incurred in excess of funds appropriated herein; and provided further, that no less than forty-seven thousand five hundred dollars shall be expended from this line item for the purposes of providing services pursuant to the Disability Benefits Project"

Item	Reduce by	Reduce to	Wording inserted
0331-0002	1,612,500	25,049,025	"For the salaries and expenses of the superior court department; provided that at least three million fifty-four thousand six hundred forty-seven dollars and one hundred twenty-six positions be made available to the administrative office; provided further that at least one million seven hundred seventy-six thousand eight hundred eighty-five dollars and seventy-three positions be made available for clerical assistance to justices of the superior court; provided further, that not less than six million one hundred forty-five thousand six hundred eighty-nine dollars and two hundred forty positions be made available for superior court probation services; provided further, that at least two hundred three thousand six hundred twenty dollars and seven positions be made available to Barnstable superior court; provided further, that not less than two hundred one thousand nine hundred fifty-five dollars and seven positions be made available to Berkshire superior court; provided further, that not less than nine hundred three thousand four hundred ninety-three dollars and thirty-three positions be made available to Bristol superior court; provided further, that not less than seventy-two thousand seventy-six dollars and two positions be made available to Dukes superior court; provided further, that at least one million seventy thousand nine hundred thirty-six dollars and forty positions be made available to Essex superior court; provided further, that at least one hundred seventy-two thousand one hundred twenty-eight dollars and six positions be made available to Franklin superior court; provided further, that at least one million six thousand one dollar and thirty-seven positions be made available to Hampden superior court; provided further, that not less than two hundred forty-three thousand one hundred thirty-seven dollars and eight postions be made available to Hampshire superior court; provided further, that not less than two million five hundred ninety thousand four hundred ninety-nine dollars and ninety-seven positions be made available to Middlesex superior court; provided further, that at least seventy-four thousand three hundred thirty-one dollars and two postions be made available to Nantucket superior court; provided further, that at least million one hundred twelve thousand four hundred sixty-six dollars and thirty-eight positions be made available to Norfolk superior court; provided further, that at least eight hundred forty

Item	Reduce by	Reduce to	Wording inserted
			thousand eight hundred twenty-six dollars and thirty-six postions be made available to Plymouth superior court; provided further, that not less than two million eight hundred sixty-eight thousand seventy-one dollars and one hundred twenty-three positions be made available to Suffolk superior civil court; provided further, that at least one million five hundred ninety-four dollars and sixty-nine positions be made available to Suffolk superior criminal court; provided further, that at least one million one hundred twenty-five thousand four hundred forty-two dollars and forty-five positions be available to Worcester superior court, including not more than nine hundred and sixteen positions.
0332-0150	1,394,500	1,869,500	"For a reserve to meet the costs within the district courts, including personnel services and purchases of equipment, subject to the approval of the Chief Administrative Justice of the Trial Court; provided, that funds from this item may be transferred only to other items of appropriation within the district court; provided further, that not less than six hundred five thousand five hundred dollars shall be used for a reserve for the extraordinary costs of the ten most overburdened courts, as determined by and subject to approval of the administrative justice of the district court department of the trial court"
0333-0002	850,000	17,560,583	"For the salaries and expenses of the probate and family court department; provided, that of the amount appropriated herein, not less than two hundred twenty-nine thousand six hundred four dollars and twelve positions shall be made available to the administrative office, provided further, that not less than five hundred ninety-two thousand three hundred eleven dollars and twenty-four positions be made available to the Barnstable probate court; provided further that not less than three hundred sixty thousand fifty-nine dollars and fifteen positions be made available to the Berkshire probate court; provided further, that not less than one million one hundred forty-four thousand nine hundred ninety-six dollars and forty-six positions be made available to the Bristol probate court; provided further, that not less than seventy-seven thousand one hundred fifty-five dollars and three positions be made available to the Dukes probate court; provided further, that not less than one million four hundred two thousand two hundred twenty-seven

Item	Reduce by	Reduce to	Wording inserted
			dollars and fifty-six positions be made available to the Essex probate court; provided further, that not less than two hundred ninety-five thousand seven hundred sixty-two dollars and eleven positions to made available to the Franklin probate court; provided further, that not less than one million four hundred eighty-nine thousand eight hundred five dollars and fifty-nine positions be made available to the Hampden probate court; provided further, that not less than four hundred twenty-four thousand six hundred sixty-three dollars and nineteen positions be made available to the Hampshire probate court; provided further, that not less than two million eight hundred thirty-two thousand one hundred fourteen dollars and one hundred fifteen positions be made available to the Middlesex probate court; provided further, that not less than one hundred forty-one thousand four hundred fifty-one dollars and six positions be made available to the Middlesex family service clinic; provided further, that not less than fifty-one thousand four hundred thirty-seven dollars and two positions be made available to the Nantucket probate court; provided further, that not less than one million seven hundred ninety-eight thousand nine hundred two dollars and seventy-three positions be made availabel to the Norfolk probate court; provided further, that not less than seventy-seven thousand one hundred fifty-five dollars and five positions be made available to the Norfolk family service clinic; provided further, that not less than one million two hundred eighty-nine thousand nine hundred two dollars and fifty-three positions be made available to the Plymouth probate court; provided further, that not less than two million one hundred eighty-six thousand five hundred ninety-eight dollars and ninety-five positions be made available to the Suffolk probate court; provided further, that not less than one million three hundred forty-nine thousand six hundred sixty-four dollars and fifty-five positions be made available to the Worcester probate court, including not more than six hundred and forty-five positions"
0336-0002	168,540	2,046,380	"For the salaries and expenses of the housing court department; 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

Item	Reduce by	Reduce to	Wording inserted
			twenty-eight positions be made available to the Boston housing court; provided further that not less than three hundred thirty thousand one hundred nine dollars and thirteen positions be made available to the Hampden housing court; and 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 not less than one hundred twenty-four thousand two hundred seventy dollars and eleven positions be made available to the Northeast housing court; provided further, that not less than forty-four thousand two hundred seventy dollars and eleven positions be made available to the Southeast housing court, including not more than seventy-seven positions"
0337-0002	650,000	6,968,445	"For the salaries and expenses of the juvenile court department; provided, that of the amount appropriated herein not less than five hundred ten thousand nine hundred and forty-two dollars and seventeen positions shall be made available to the administrative office; provided further , that not less than two million six hundred fifty-one thousand two hundred and seventy-four dollars and one hundred and three positions shall be made available to the Boston juvenile court; provided further, that not less than one million one hundred seventy-one thousand six hundred and thirty-seven dollars and forty-eight positions shall be made available to the Bristol juvenile court; provided further, that not less than seven hundred ninety-six thousand fifty dollars and thirty-two positions shall be made available to the Springfield juvenile court; and provided further, that not less than seven hundred sixty-five thousand forty-two dollars and twenty-eight positions shall be made available to the Worcester juvenile court, including not more than two hundred and thirty positions"
1120-4005	100,000	956,956	"For the administration of the library; provided, that not less than one hundred fifty thousand dollars be obligated for the purchase of books, periodicals, and microfilms to maintain a current government reseach library collection, including not more than thirty positions"
4120-0012	220,000	17,496,962	"For social services programs; provided that fifty thousand dollars be obligated for vocational evaluation and employment services for

Item	Reduce by	Reduce to	Wording inserted
			severely physically disabled adults; provided further that not less than sixty-nine thousand dollars shall be obligated to fund new supported living services for eight severely disabled persons"
5948-000	5,700,000	247,512,660	"For mental retardation services; provided, that a maintenance of effort be made to continue services to retarded person in the community who are not eligible for services through chapter seventy-one B of the General Laws or consent decrees; provided, further, that no less than six hundred thousand dollars be expended for new respite care services, including not more than six hundred and fifty-one positions"
7100-0100	18,180,000	618,560,037	"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-nine, allocate from this appropriation an amount equal to up to eighty percent of the fiscal year nineteen hundred and eighty-nine 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, that a reserve of one million two hundred thousand dollars shall be available solely to meet the extraordinary fuel expenses of the University of Massachusetts at Boston, provided that such reserve may be used only when said fuel expenses exceed three million seven hundred sixty-three thousand dollars; 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 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 intership and residency requirements; provided further, that not less than nine hundred thirty thousand four hundred and forty-three dollars be obligated for the purposes

Item	Reduce by	Reduce to	Wording inserted

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 of the amount appropraited 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 obligaged 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 the 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 sum appropriated herein, not less than two hundred twenty-five thousand dollars shall be obligated for the purposes of an Institute of Latino Community Development at the University of Massachusetts at Boston; 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 the Monroe Trotter Institute at the University of Massachusetts at Boston, of which not less than seventy-five thousand shall be obligated for the purposes of the William Monroe Trotter Institute for Afro American Women's Studies; 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

Item	Reduce by	Reduce to	Wording inserted
			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 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 Demonstration School of the College of Education at the University of Lowell; provided further, that not less than two hundred thousand dollars be allocated for a college preparation program 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 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 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 operation through an interagency agreement between the department of education and the board of regents; provided further, that of the sum appropriated herein, the amount of one hundred and seventy-one thousand, seven hundred and forty dollars shall be paid to the town of Bridgwater to fulfill a pre-existing obligation of Bridgwater State College under an agreement dated May twenty-nineth, nineteen hundred and sixty-five, including not more than fourteen thousand four hundred and twenty-five positions"

SECTION 2C

Item	Reduce by	Reduce to	Wording inserted
2518-3001 2518-4001 2518-5001 2518-6000	823,186	776,814	"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 three hundred fifty thousand eight hundred *fourteen 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. 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 *two hundred* seventy-five 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"

SECTION 3. Distribution Reduced:

Municipality	Line Items Reduced to 7061–0008 Chapter 70	0611–5500 Additional Assistance
ABINGTON	4,547,178	0
ACTON	1,131,469	358,882
ACUSHNET	2,221,710	0
ADAMS	761,666	0
AGAWAM	6,461,453	0
ALFORD	0	0
AMESBURY	4,608,967	551,790
AMHERST	4,196,654	0
ANDOVER	2,563,081	226,223
ARLINGTON	4,025,815	7,633,891
ASHBURNHAM	239,704	0
ASHBY	44,666	0
ASHFIELD	24,152	0
ASHLAND	871,345	671,775
ATHOL	1,702,284	0
ATTLEBORO	10,728,811	315,494
AUBURN	3,189,001	154,822
AVON	332,801	686,202
AYER	3,458,646	0
BARNSTABLE	1,905,104	0
BARRE	118,630	0
BECKET	6,343	38,205
BEDFORD	964,721	973,601
BELCHERTOWN	2,282,801	0
BELLINGHAM	4,866,277	0
BELMONT	1,593,488	1,672,304
BERKLEY	894,505	0
BERLIN	359,696	1,428
BERNARDSTON	220,082	0
BEVERLY	4,207,465	4,562,783
BILLERICA	5,896,367	4,679,975
BLACKSTONE	367,713	0

Municipality	Line Items Reduced to 7061-0008 Chapter 70	0611-5500 Additional Assistance
BLANDFORD	48,461	0
BOLTON	143,678	0
BOSTON	67,677,955	252,340,051
BOURNE	1,298,048	864,217
BOXBOROUGH	179,242	17,806
BOXFORD	295,533	160,273
BOYLSTON	326,042	0
BRAINTREE	2,531,096	5,691,771
BREWSTER	327,397	0
BRIDGEWATER	4,368,951	0
BRIMFIELD	384,280	0
BROCKTON	33,866,096	11,463,174
BROOKFIELD	685,858	0
BROOKLINE	2,850,759	6,058,610
BUCKLAND	167,354	0
BURLINGTON	2,023,558	2,550,660
CAMBRIDGE	4,850,708	28,249,613
CANTON	1,319,711	1,663,064
CARLISLE	257,513	98,515
CARVER	1,710,558	0
CHARLEMONT	127,216	0
CHARLTON	493,361	0
CHATHAM	219,735	0
CHELMSFORD	2,886,470	4,487,064
CHELSEA	10,345,084	6,314,674
CHESHIRE	228,392	0
CHESTER	131,421	0
CHESTERFIELD	123,335	0
CHICOPEE	15,521,488	3,556,707
CHILMARK	0	0
CLARKSBURG	639,013	0
CLINTON	3,795,555	901,278
COHASSET	640,997	402,357
COLRAIN	133,622	0

Municipality	Line Items Reduced to 7061-0008 Chapter 70	0611-5500 Additional Assistance
CONCORD	925,549	858,809
CONWAY	180,043	0
CUMMINGTON	40,506	0
DALTON	655,525	0
DANVERS	1,640,116	2,117,937
DARTMOUTH	4,327,877	0
DEDHAM	1,947,798	2,793,950
DEERFIELD	549,609	0
DENNIS	44,887	0
DIGHTON	144,879	0
DOUGLAS	913,293	0
DOVER	169,282	54,330
DRACUT	5,897,184	128,858
DUDLEY	628,868	0
DUNSTABLE	44,233	77,182
DUXBURY	1,508,410	0
EAST BRIDGEWATER	3,308,629	0
EAST BROOKFIELD	19,557	0
EAST LONGMEADOW	2,142,199	0
EASTHAM	36,995	0
EASTHAMPTON	5,211,461	0
EASTON	4,162,282	0
EDGARTOWN	134,321	95,843
EGREMONT	1,189	0
ERVING	144,185	53,894
ESSEX	231,518	108,819
EVERETT	2,570,677	6,761,347
FAIRHAVEN	3,289,972	1,171,018
FALL RIVER	40,239,838	8,203,058
FALMOUTH	1,971,154	0
FITCHBURG	14,151,517	1,074,666
FLORIDA	50,403	1,121
FOXBOROUGH	3,266,418	0
FRAMINGHAM	4,369,740	8,163,961

Municipality	Line Items Reduced to: 7061-0008 Chapter 70	Line Items Reduced to: 0611-5500 Additional Assistance
FRANKLIN	4,552,508	533,950
FREETOWN	891,874	0
GARDNER	5,962,158	436,255
GAY HEAD	0	0
GEORGETOWN	1,301,607	318,934
GILL	0	0
GLOUCESTER	2,116,293	3,423,769
GOSHEN	38,088	0
GOSNOLD	1,720	3,628
GRAFTON	2,330,902	242,340
GRANBY	1,623,544	0
GRANVILLE	160,466	0
GREAT BARRINGTON	874,946	0
GREENFIELD	5,822,894	729,007
GROTON	539,400	0
GROVELAND	883,017	0
HADLEY	279,866	281,555
HALIFAX	1,273,825	0
HAMILTON	290,690	170,070
HAMPDEN	837,946	0
HANCOCK	40,227	36,342
HANOVER	1,356,380	2,277,462
HANSON	2,406,894	0
HARDWICK	120,128	0
HARVARD	1,218,925	0
HARWICH	629,387	9,149
HATFIELD	346,906	0
HAVERHILL	11,804,225	5,865,796
HAWLEY	21,314	22,513
HEATH	23,792	0
HINGHAM	1,724,342	916,177
HINSDALE	132,092	0
HOLBROOK	3,157,646	554,055
HOLDEN	1,990,611	0

Municipality	Line Items Reduced to: 7061-0008 Chapter 70	0611-5500 Additional Assistance
HOLLAND	167,008	0
HOLLISTON	2,270,337	1,054,696
HOLYOKE	19,241,307	3,782,020
HOPEDALE	938,636	0
HOPKINTON	763,253	382,673
HUBBARDSTON	10,327	0
HUDSON	4,463,736	438,238
HULL	1,669,883	2,391,079
HUNTINGTON	148,700	0
IPSWICH	951,042	1,395,028
KINGSTON	977,164	0
LAKEVILLE	905,246	0
LANCASTER	1,493,979	33,256
LANESBOROUGH	505,921	0
LAWRENCE	30,471,005	2,435,853
LEE	1,337,317	61,932
LEICESTER	3,506,929	0
LENOX	946,660	267,145
LEOMINSTER	9,453,785	879,632
LEVERETT	88,133	0
LEXINGTON	2,455,110	532,942
LEYDEN	32,718	0
LINCOLN	178,679	544,463
LITTLETON	578,460	391,199
LONGMEADOW	2,146,524	412,756
LOWELL	28,441,746	13,998,904
LUDLOW	4,551,769	0
LUNENBURG	2,130,454	0
LYNN	22,546,944	17,473,421
LYNNFIELD	926,071	769,453
MALDEN	12,853,892	10,057,333
MANCHESTER	366,321	97,939
MANSFIELD	1,594,709	1,457,613
MARBLEHEAD	1,278,125	405,922

Municipality	Line Items Reduced to 7061-0008 Chapter 70	0611-5500 Additional Assistance
MARION	169,517	0
MARLBOROUGH	2,240,886	4,673,264
MARSHFIELD	3,769,021	1,024,524
MASHPEE	328,827	0
MATTAPOISETT	356,617	25,309
MAYNARD	1,354,368	1,162,129
MEDFIELD	857,943	1,327,478
MEDFORD	9,416,438	11,272,534
MEDWAY	1,737,549	615,494
MELROSE	4,119,337	4,855,745
MENDON	66,311	30,137
MERRIMAC	1,128,771	0
METHUEN	7,702,679	1,667,072
MIDDLEBOROUGH	5,975,251	0
MIDDLEFIELD	42,266	118
MIDDLETON	202,544	273,310
MILFORD	6,682,980	546,233
MILLBURY	3,479,133	189,405
MILLIS	1,006,909	689,453
MILLVILLE	71,780	0
MILTON	1,543,383	2,303,730
MONROE	9,030	20,515
MONSON	2,295,382	0
MONTAGUE	676,964	0
MONTEREY	17,880	32,318
MONTGOMERY	16,967	0
MOUNT WASHINGTON	5,494	48,114
NAHANT	225,880	254,099
NANTUCKET	297,663	0
NATICK	2,337,216	3,479,012
NEEDHAM	1,913,433	827,012
NEW ASHFORD	10,342	11,017
NEW BEDFORD	48,732,355	774,835
NEW BRAINTREE	25,771	0

Municipality	Line Items Reduced to: 7061-0008 Chapter 70	Line Items Reduced to: 0611-5500 Additional Assistance
NEW MARLBOROUGH	13,590	0
NEW SALEM	9,659	0
NEWBURY	554,066	0
NEWBURYPORT	1,837,611	2,458,929
NEWTON	5,224,066	3,519,189
NORFOLK	1,011,438	0
NORTH ADAMS	7,322,275	0
NORTH ANDOVER	1,815,003	649,554
NORTH ATTLEBOROUGH	5,984,374	0
NORTH BROOKFIELD	1,539,403	0
NORTH READING	1,019,268	1,668,070
NORTHAMPTON	6,629,757	1,977,574
NORTHBOROUGH	1,305,630	382,598
NORTHBRIDGE	4,246,174	0
NORTHFIELD	204,860	0
NORTON	4,143,076	0
NORWELL	965,055	1,020,661
NORWOOD	2,055,825	4,509,129
OAK BLUFFS	90,284	0
OAKHAM	6,542	0
ORANGE	2,050,529	0
ORLEANS	46,994	0
OTIS	77,221	0
OXFORD	4,348,978	0
PALMER	3,154,572	0
PAXTON	499,665	0
PEABODY	6,795,689	6,057,830
PELHAM	50,193	0
PEMBROKE	2,377,514	0
PEPPERELL	112,559	0
PERU	83,871	2,663
PETERSHAM	56,883	0
PHILLIPSTON	827	23,887
PITTSFIELD	15,185,507	3,811,753

Municipality	Line Items Reduced to 7061-0008 Chapter 70	0611-5500 Additional Assistance
PLAINFIELD	8,906	0
PLAINVILLE	883,233	31,997
PLYMOUTH	2,730,055	0
PLYMPTON	197,274	0
PRINCETON	346,295	0
PROVINCETOWN	189,046	88,574
QUINCY	10,160,901	19,136,376
RANDOLPH	5,225,427	3,727,187
RAYNHAM	1,758,590	0
READING	1,975,720	2,767,218
REHOBOTH	72,004	0
REVERE	8,168,459	9,281,821
RICHMOND	135,238	0
ROCHESTER	511,256	0
ROCKLAND	5,159,979	1,446,029
ROCKPORT	466,810	92,307
ROWE	0	0
ROWLEY	357,529	265,290
ROYALSTON	49,798	7,785
RUSSELL	25,173	0
RUTLAND	1,193,130	0
SALEM	4,428,257	5,881,868
SALISBURY	921,697	12,077
SANDISFIELD	46,220	0
SANDWICH	805,423	260,128
SAUGUS	2,255,337	3,208,669
SAVOY	182,699	31,260
SCITUATE	1,623,345	1,672,206
SEEKONK	2,484,015	0
SHARON	2,309,716	566,549
SHEFFIELD	78,719	56,704
SHELBURNE	244,511	0
SHERBORN	195,662	91,976
SHIRLEY	1,460,496	474,774

Municipality	Line Items Reduced to: 7061-0008 Chapter 70	0611-5500 Additional Assistance
SHREWSBURY	3,019,956	1,080,367
SHUTESBURY	55,058	0
SOMERSET	1,410,974	0
SOMERVILLE	13,315,028	25,550,518
SOUTH HADLEY	4,163,124	74,248
SOUTHAMPTON	729,388	0
SOUTHBOROUGH	450,360	87,942
SOUTHBRIDGE	6,640,650	0
SOUTHWICK	0	0
SPENCER	460,649	0
SPRINGFIELD	68,974,602	12,379,225
STERLING	723,181	0
STOCKBRIDGE	0	0
STONEHAM	1,491,266	3,440,672
STOUGHTON	5,925,782	1,232,965
STOW	405,977	117,980
STURBRIDGE	748,526	0
SUDBURY	899,030	1,219,364
SUNDERLAND	427,079	21,949
SUTTON	1,348,294	0
SWAMPSCOTT	974,610	778,218
SWANSEA	4,048,529	0
TAUNTON	17,931,338	0
TEMPLETON	842,100	0
TEWKSBURY	5,966,345	687,594
TISBURY	109,874	0
TOLLAND	0	19,302
TOPSFIELD	242,384	461,374
TOWNSEND	417,357	0
TRURO	52,519	0
TYNGSBOROUGH	1,462,298	0
TYRINGHAM	6,795	0
UPTON	216,864	0
UXBRIDGE	2,182,523	0

Municipality	Line Items Reduced to: 7061-0008 Chapter 70	0611-5500 Additional Assistance
WAKEFIELD	2,726,385	2,750,380
WALES	268,188	0
WALPOLE	2,141,123	1,814,405
WALTHAM	4,606,211	9,274,231
WARE	3,153,303	0
WAREHAM	4,380,035	0
WARREN	125,388	0
WARWICK	75,281	58,904
WASHINGTON	58,733	49,045
WATERTOWN	1,828,110	7,059,212
WAYLAND	1,044,362	671,477
WEBSTER	4,242,151	658,823
WELLESLEY	1,631,900	610,493
WELLFLEET	19,049	0
WENDELL	58,966	56,348
WENHAM	36,143	268,576
WEST BOYLSTON	829,433	271,643
WEST BRIDGEWATER	1,326,034	313,593
WEST BROOKFIELD	35,785	0
WEST NEWBURY	290,761	0
WEST SPRINGFIELD	5,020,201	787,522
WEST STOCKBRIDGE	49,565	0
WEST TISBURY	66,008	295,977
WESTBOROUGH	1,119,201	495,073
WESTFIELD	10,835,103	0
WESTFORD	1,538,164	1,714,850
WESTHAMPTON	88,578	0
WESTMINSTER	250,612	0
WESTON	647,377	0
WESTPORT	2,378,961	303,168
WESTWOOD	1,009,097	307,516
WEYMOUTH	11,892,728	5,762,974
WHATELY	80,616	0
WHITMAN	3,744,016	0

	Line Items Reduced to	
Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance
WILBRAHAM	1,615,055	0
WILLIAMSBURG	363,806	0
WILLIAMSTOWN	1,012,043	58,679
WILMINGTON	1,621,818	2,270,308
WINCHENDON	3,348,505	0
WINCHESTER	1,715,218	928,964
WINDSOR	14,354	53,313
WINTHROP	3,082,732	3,947,196
WOBURN	2,614,450	6,052,307
WORCESTER	53,948,420	25,233,482
WORTHINGTON	0	0
WRENTHAM	1,288,707	9,652
YARMOUTH	236,041	0

SECTION 2. Items Reduced by Striking the Wording "prior appropriation continued":

0185-7804
0185-7810
0185-7853

SECTION 2A. Items Reduced by Striking The Wording "prior appropriation continued" and Reducing the Items:

Item	Reduce by	Reduce to
0131-0000	15,000	15,908
0142-0000	85,000	10,138
0143-0001	10,000	8,000
0169-7102	30,000	22,000

Strike the Wording "prior appropriation continued" in Item 0111-0000 in Section 2, and strike Item 0111-0000 in Section 2A.

SECTION 2. Wording Stricken:

Item	Wording stricken
1108-5200	"The group insurance commission is hereby directed to prepare the establishment of a sliding scale for state employee contributions to their health insurance coverage, to provide that the percent of contribution by the employee shall increase as his or her salary level increases; the group insurance commission shall submit a report and any legislation necessary for the implementation of said sliding scale not later than November first, nineteen hundred and eighty nine to the senate and house committees on ways and means. Said study shall include an analysis of the cost savings to the commonwealth and a detailed report on the necessary steps that must be undertaken to implement said scale by July first, nineteen hundred and ninety"
4130-0007	";provided that the office for children submit to the house and senate committees on ways and means a plan for the phase-out of the advocacy function within forty-five days of passage of this act"
4403-2000	"that the standard shall by increased four percent as of July first, nineteen hundred and eighty-nine and rounded to the next whole dollar; provided further, that the need standard shall be raised to the new payment standard; provided further,"
6005-0011	"provided, that notwithstanding the provisions of any general or special law to the contrary, in no case shall the state's contribution to the operating budget of the MBTA in fiscal year nineteen hundred and ninety-one exceed one hundred and five percent of the state's contribution to the operating budget of said authority in fiscal year nineteen hundred and ninety"

Pursuant to Artical 56 of the Amendments to the Constitution, Sections 86 and 105, 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 13, 1989.

Chapter 241. **AN ACT PROVIDING FOR SUSPENSION OF A LICENSE TO OPERATE A MOTOR VEHICLE UPON CONVICTION OF VIOLATION OF THE CONTROLLED SUBSTANCE ACT.**

Be it enacted, etc., as follows:

Section 22 of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

(f) The registrar shall suspend, without hearing, the license or right to operate of a person who is convicted of a violation of any provision of chapter ninety-four C or adjudged a delinquent child by reason of having violated any provision of chapter ninety-four C; provided, however, that the period of such suspension shall not exceed five years; provided further, that any person so convicted who is under the age of eighteen years or who is adjudged a delinquent child by reason of having violated any provision of chapter ninety-four C, and is not licensed to operate a motor vehicle shall, at the discretion of the presiding judge, not be so licensed for a period no later than when such person reaches the age of twenty-one years.

Emergency Letter: September 6, 1989 @ 11:59 A.M. Approved July 17, 1989.

Chapter 242. **AN ACT RELATIVE TO CORPORATE TAKEOVERS AND THE COMPETITIVENESS OF THE MASSACHUSETTS ECONOMY.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote competitiveness of the Massachusetts economy, 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 110D of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) "Associate", any person who directly or indirectly controls or is controlled by, or is under common control with, a person who is acting or intends to act jointly or in concert with a person in connection with a control share acquisition, "control", as used in this subsection meaning the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract or otherwise; any corporation or organization of which a person is an officer, director or partner or

in which a person performs a similar function; any direct or indirect beneficial owner of ten percent or more of any class of equity securities of a person; any trust or estate in which a person has a beneficial interest not represented by transferable shares or as to which a person serves as trustee or in a similar fiduciary capacity; and any relative or spouse of a person, or any relative of such spouse, any one of whom has the same residence as such person.

SECTION 2. Paragraph (2) of subsection (c) of said section 1 of said chapter 110D, as so appearing, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) before June twenty-sixth, nineteen hundred and eighty-seven; provided, however, that the aggregate of shares of beneficial ownership of which is acquired before such date is within the range of voting power established by paragraph (1).

SECTION 3. Said section 1 of said chapter 110D, as so appearing, is hereby further amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) "Issuing public corporation", a corporation to which the provisions of paragraph (a) of section three of chapter one hundred and fifty-six B apply, a gas or electric company or combined gas and electric company to which section three of chapter one hundred and sixty-four apply or an association or trust which pursuant to said section three of said chapter one hundred and sixty-four owns beneficially a majority of the common stock of such a company; provided, ho wever, that such issuing public corporation has:

(i) two hundred or more stockholders of record; and

(ii) its principal executive office or substantial assets within the commonwealth; and

(iii) either: more than ten percent of its stockholders of record residing within the commonwealth; or more than ten percent of its issued and outstanding shares owned of record by residents of the commonwealth.

The record date for determining the percentages and numbers of stockholders and shares specified in this subsection shall be the last stockholder record date before the control share acquisition as to which the determination is being made or, if earlier, before the date on which a control share acquisition statement relating thereto is filed under the provisions of section three. A stockholder record date is the date fixed by the board of directors or, if applicable, the date when transfer books are closed by the board of directors, in connection with determining stockholders entitled to notice of and vote at a meeting, or to consent or dissent, to receive any dividend or other distribution, or for the purpose of any other lawful action. If a stockholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the issuing public corporation's most recent fiscal quarter.

The residence of stockholder is presumed to be the address appearing in the

records of the corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Any shares of an issuing public corporation allocated to the account of an employee or former employee, or beneficiary of an employee or former employee, of such corporation and held in a plan that is qualified under section 401(a) of the Internal Revenue Code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(i) of said Code shall be deemed, for the purposes of clause (iii), to be held of record by the employee, former employee or beneficiary to whose account such shares are allocated.

In the case of an issuing public corporation which is an association or trust, "references to articles of organization" mean the instrument or declaration of trust, references to "by-laws" include publicly announced resolutions of the directors; references to "directors", the "clerk" and "assistant clerk" mean the individuals performing similar functions; and references to the "corporation" or "such corporation" mean the association or trust.

SECTION 4. Subsection (b) of section 6 of said chapter 110D, as so appearing, is hereby amended by inserting after the word "corporation", in line 17, the words:- not later than.

SECTION 5. Section 1 of chapter 110E of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) "Associate", any person who directly or indirectly controls, or is controlled by, or is under common control with, a person or who is acting or intends to act jointly or in concert with a person in connection with a control share acquisition, "control", as used in this subsection, meaning the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract or otherwise; any corporation or organization of which a person is an officer, director or partner or in which a person performs a similar function; any direct or indirect beneficial owner of ten percent or more of any class of equity securities of a person; any trust or estate in which a person has a beneficial interest not represented by transferable shares or as to which a person serves as trustee or in a similar fiduciary capacity; and any relative or spouse of a person, or any relative of such spouse, any one of whom has the same residence as such person.

SECTION 6. Paragraph (2) of subsection (c) of said section 1 of said chapter 110E, as so appearing, is hereby amended by striking out clauses (i) and (ii) and inserting in place thereof the following two clauses:-

(i) before June twenty-sixth, nineteen hundred and eighty-seven; provided, however, that the aggregate of shares of beneficial ownership which is acquired before such date is within a range of voting power established by paragraph (1);

(ii) pursuant to a contract to acquire shares existing before June twenty-sixth, nineteen hundred and eighty-seven.

SECTION 7. Said section 1 of said chapter 110E, as so appearing, is hereby further amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) "Issuing public corporation", a corporation that has been established, organized or chartered under laws other than those of the commonwealth that has:

(i) two hundred or more stockholders of record;

(ii) its principal executive office within the commonwealth and more of its employees or assets, including employees or assets of its majority owned subsidiaries, employed or located in the commonwealth than in any other state as of the end of any of its four fiscal quarters immediately preceding the control share acquisition as to which the determination is being made or, if earlier, immediately preceding the date on which a control share acquisition statement relating thereto is delivered pursuant to section three; and

(iii) either more than ten percent of its stockholders of record residing within the commonwealth or more than ten percent of its issued and outstanding shares owned of record by residents of the commonwealth.

The record date for determining the percentages and numbers of stockholders and shares specified in this subsection shall be the last stockholder record date before the control share acquisition as to which the determination is being made or, if earlier, before the date on which a control share acquisition statement relating thereto is filed under the provisions of section three. A stockholder record date is the date fixed by the board of directors or, if applicable, the date when transfer books are closed by the board of directors, in connection with determining stockholders entitled to notice of and vote at a meeting or to consent or dissent, to receive any dividend or other distribution, or for the purpose of any other lawful action. If a stockholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the issuing public corporation's most recent fiscal quarter.

The residence of each stockholder is presumed to be the address appearing in the records of the corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Any shares of an issuing public corporation allocated to the account of an employee or former employee, or beneficiary of an employee or former employee, of such corporation and held in a plan that is qualified under section 401(a) of the Internal Revenue Code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(i) of said Code shall be deemed, for the purposes of clause (iii), to be held of record by the employee, former employee or beneficiary to whose account such shares are allocated.

SECTION 8. The General Laws are hereby further amended by inserting after chapter 110E the following chapter:-

CHAPTER 110F.
BUSINESS COMBINATIONS WITH INTERESTED SHAREHOLDERS.

Section 1. A corporation shall not engage in any business combination with any interested stockholder for a period of three years following the date that such stockholder became an interested stockholder, unless:

(a) prior to such date the board of directors of the corporation approved either the business combination or the transaction which resulted in the stockholder becoming an interested stockholder; or

(b) upon consummation of the transaction which resulted in the stockholder becoming an interested stockholder, the interested stockholder owned at least ninety percent of the voting stock of the corporation outstanding at the time the transaction commenced, excluding for purposes of determining the number of shares outstanding, those shares owned by (1) persons who are directors and also officers and (2) employee stock plans in which employee participants do not have the right to determine confidentially whether shares held subject to the plan will be tendered in a tender or exchange offer; or

(c) on or subsequent to such date the business combination is approved by the board of directors and authorized at an annual or special meeting of stockholders, and not by written consent, by the affirmative vote of at least two-thirds of the outstanding voting stock which is not owned by the interested stockholder.

Section 2. The restrictions contained in section one shall not apply if:

(a) the corporation's original articles of organization contain a provision expressly electing not to be governed by this section;

(b) the corporation, by action of its board of directors, adopts an amendment to its by-laws within ninety days of the effective date of this chapter, expressly electing not to be governed by this chapter, which amendment shall not be further amended by the board of directors;

(c) the corporation, by action of its stockholders, adopts an amendment of its articles of organization or by-laws expressly electing not to be governed by this chapter; provided, however, that in addition to any other vote required by law, such amendment to the articles of organization or by-laws must be approved by the affirmative vote of a majority of the shares entitled to vote. An amendment adopted pursuant to this paragraph shall not be effective until twelve months after the adoption of such amendment and shall not apply to any business combination between such corporation and any person who became an interested stockholder of such corporation on or prior to the date of such adoption. A by-law amendment adopted pursuant to this paragraph shall not be further amended by the board of directors;

(d) the corporation does not have two hundred or more stockholders of record;

(e) the corporation does not have: (1) its principal executive office or substantial assets within the commonwealth unless as a result of action taken directly or indirectly by an interested stockholder; and (2) either more than ten percent of its stockholders of record residing within the commonwealth or more than ten percent of its issued and outstanding shares owned of record by residents of the commonwealth.

The record date for determining the percentages and numbers of stockholders and shares specified in subsections (d) and (e) shall be the last stockholder record date before any stockholder became an interested stockholder. A stockholder record date is the date fixed by the board of directors or, if applicable, the date when transfer books are closed by the board of directors, in connection with determining stockholders entitled to notice of and vote at a meeting, or to consent or dissent, to receive any dividend or other distribution, or for the purpose of any other lawful action. If a stockholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the corporation's most recent fiscal quarter. The residence of each stockholder is presumed to be the address appearing in the records of the corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Any shares of a corporation allocated to the account of an employee or former employee, or beneficiary of an employee or former employee, of such corporation and held in a plan that is qualified under section 401(a) of the Internal Revenue Code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(i) of said Code shall be deemed, for the purposes of clause (ii), to be held of record by the employee, former employee or beneficiary to whose account such shares are allocated.

In the case of a corporation which is an association or trust, references to "articles of organization" mean the instrument or declaration of trust; references to "by-laws" include publicly announced resolutions of the directors; references to "directors" mean the individuals performing similar functions; and references to the "corporation" or "such corporation" mean the association or trust.

(f) a stockholder becomes an interested stockholder inadvertently and (1) as soon as practicable divests sufficient shares so that the stockholder ceases to be an interested stockholder; and (2) would not, at any time within the three year period immediately prior to a business combination between the corporation and such stockholder, have been an interested stockholder but for the inadvertent acquisition; or

(g) the business combination is proposed prior to the consummation or abandonment of and subsequent to the earlier of the public announcement or the notice required hereunder of a proposed transaction which: (1) constitutes one of the transactions described in clause (ii) of paragraph (3); (2) is with or by a person

who either was not an interested stockholder during the previous three years or who became an interested stockholder with the approval of the corporation's board of directors; and (3) is approved or not opposed by a majority of the members of the board of directors then in office, but not less than one, who were directors prior to any person becoming an interested stockholder during the previous three years or were recommended for election or elected to succeed such directors by a majority of such directors. The proposed transactions referred to in the preceding sentence shall be limited to:

(i) a merger or consolidation of the corporation, except for a merger in respect of which, pursuant to paragraph (2) of subsection (c) of section seventy-eight of chapter one hundred and fifty-six B, no vote of the stockholders of the corporation is required;

(ii) a sale, lease, exchange, mortgage, pledge, transfer or other disposition, in one transaction or a series of transactions, whether as part of a dissolution or otherwise, of assets of the corporation or of any direct or indirect majority-owned subsidiary of the corporation, other than to any direct or indirect wholly-owned subsidiary or to the corporation, having an aggregate market value equal to fifty percent or more of either that aggregate market value of all of the assets of the corporation determined on a consolidated basis or the aggregate market value of all the outstanding stock of the corporation; or

(iii) a proposed tender or exchange offer for fifty percent or more of the outstanding voting stock of the corporation.

The corporation shall give not less than twenty days notice to all interested stockholders prior to the consummation of any of the transactions described in clause (i) or (ii) of paragraph (3) of subsection (g).

Notwithstanding the provisions of subsections (a), (b), (c) and (d), a corporation may elect by a provision of its original articles of organization or any amendment thereto to be governed by this chapter; provided, however, that any such amendment to the articles of organization shall not apply to restrict a business combination between the corporation and an interested stockholder of the corporation if the interested stockholder became such prior to the effective date of this chapter.

Section 3. As used in this chapter, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

(a) "Affiliate", a person that directly or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, another person.

(b) "Associate", when used to indicate a relationship with any person:

(1) any corporation or organization of which such person is a director, officer or partner or is, directly or indirectly, the owner of twenty percent or more of any class of voting stock; (2) any trust or other estate in which such person has at least a twenty percent beneficial interest or as to which such person serves as trustee

or in a similar fiduciary capacity; and (3) any relative or spouse of such person, or any relative of such spouse, who has the same residence as such person.

(c) "Business combination", when used in reference to any corporation and any interested stockholder of such corporation:

(1) any merger or consolidation of the corporation or any direct or indirect majority-owned subsidiary of the corporation with (i) the interested stockholder, or (ii) any other corporation if the merger or consolidation is caused by the interested stockholder;

(2) any sale, lease, exchange, mortgage, pledge, transfer or other disposition, in one transaction or a series of transactions, except proportionately as a stockholder of such corporation, to or with the interested stockholder, whether as part of a dissolution or otherwise, of assets of the corporation or of any direct or indirect majority-owned subsidiary of the corporation which assets have an aggregate market value equal to ten percent or more of either the aggregate market value of all the assets of the corporation determined on a consolidated basis or the aggregate market value of all the outstanding stock of the corporation;

(3) any transaction which results in the issuance or transfer by the corporation or by any direct or indirect majority-owned subsidiary of the corporation of any stock of the corporation or of such subsidiary to the interested stockholder, except:

(i) pursuant to the exercise, exchange or conversion of securities exercisable for, exchangeable for or convertible into stock of such corporation or any such subsidiary which securities were outstanding prior to the time that the interested stockholder became such;

(ii) pursuant to a dividend or distribution paid or made, or the exercise, exchange or conversion of securities exercisable for, exchangeable for or convertible into stock of such corporation or any such subsidiary which security is distributed pro rata to all holders of a class or series of stock of such corporation subsequent to the time the interested stockholder became such;

(iii) pursuant to an exchange offer by the corporation to purchase stock made on the same terms to all holders of such stock; or

(iv) an issuance or transfer of stock by the corporation; provided, however, that in no case under clauses (ii) to (iv), inclusive, shall there be an increase in the interested stockholder's proportionate share of the stock of any class or series of the corporation or of the voting stock of the corporation;

(4) any transaction involving the corporation or any direct or indirect majority-owned subsidiary of the corporation which has the effect, directly or indirectly, of increasing the proportionate share of the stock of any class or series, or securities convertible into the stock of any class or series of the corporation or any such subsidiary which is owned by the interested stockholder, except as a result of immaterial changes due to fractional share adjustments or as a result of any purchase or redemption of any shares of stock not caused, directly or indirectly, by the interested stockholder; or

(5) any receipt by the interested stockholder of the benefit, directly or indirectly, except proportionately as a stockholder of such corporation, of any loans, advances, guarantees, pledges or other financial benefits, other than those expressly permitted in paragraphs (1) to (4), inclusive, provided by or through the corporation or any direct or indirect majority-owned subsidiary.

(d) "Confidentiality", for the purpose of paragraph (2) of subsection (b) of subsection 1 that the corporation's management, excluding any independent plan trustee, has no knowledge as to whether employee participants in employee stock plans have tendered their shares in a tender or exchange offer.

(e) "Control", including the term "controlling", "controlled by" and "under common control with", the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting stock, by contract or otherwise. A person who is the owner of twenty percent or more of a corporation's outstanding voting stock shall be presumed to have control of such corporation, in the absence of proof by a preponderance of the evidence to the contrary. Notwithstanding the foregoing, a presumption of control shall not apply where such person holds voting stock, in good faith and not for the purpose of circumventing this chapter, as an agent, bank, broker, nominee, custodian or trustee for one or more owners who do not individually or as a group have control of such corporation.

(f) "Corporation", a corporation to which the provisions of paragraph (a) of section three of chapter one hundred and fifty-six B apply, a gas or electric company or combined gas and electric company to which section three of chapter one hundred and sixty-four applies or an association or trust which owns beneficially a majority of the common stock of such a company or a trust company to which the provisions of chapter one hundred and seventy-two apply, a savings bank in stock form to which certain provisions of said chapter one hundred and seventy-two apply pursuant to section thirty-four C of chapter one hundred and sixty-eight, or a cooperative bank in stock form to which certain provisions of said chapter one hundred and seventy-two apply pursuant to section twenty-six C of chapter one hundred and seventy.

(g) "Interested stockholder", any person other than the corporation and any direct or indirect majority-owned subsidiary of the corporation, that:

(1) is the owner of five percent or more of the outstanding voting stock of the corporation; or

(2) is an affiliate or associate of the corporation and was the owner of five percent or more of the outstanding voting stock of the corporation at any time within the three year period immediately preceding the date on which it is sought to be determined whether such person is an interested stockholder; and the affiliates and associates of such person; provided, however, that the term "interested stockholder" shall not include:

(i) any person who (A) owned shares in excess of the five percent limitation

set forth herein as of, or acquired such shares pursuant to a tender offer commenced prior to, the effective date of this chapter or pursuant to an exchange offer announced prior to the aforesaid date and commenced within ninety days thereafter and continued to own shares in excess of such five percent limitation or would have but for action by the corporation; or (B) acquired said shares from a person described in subclause (A) by gift, inheritance or in a transaction in which no consideration was exchange; or

(ii) any person whose ownership of shares in excess of the five percent limitation set forth herein is the result of action taken solely by the corporation; provided, however, that such person shall be an interested stockholder if thereafter he acquires additional shares of voting stock of the corporation, except as a result of further corporate action not caused, directly or indirectly, by such person. For the purpose of determining whether a person is an interested stockholder, the voting stock of the corporation deemed to be outstanding shall include stock deemed to be owned by the person through application of subsection (j) but shall not include any other unissued stock of such corporation which may be issuable pursuant to any agreement, arrangement or understanding, or upon exercise of conversion rights, warrants or options or otherwise.

Notwithstanding the foregoing provisions, the applicable percentage for purposes of this paragraph shall be fifteen percent in place of five percent for a person eligible to file schedule 13-G under the rules of the Securities and Exchange Commission with respect to securities of the corporation as long as such person continues to be so eligible.

(h) "Owner", including the terms "own" and "owned", when used with respect to any stock, a person that individually or with or through any of its affiliates or associates: (1) beneficially owns such stock, directly or indirectly; or (2) has (i) the right to acquire such stock, whether such right is exercisable immediately or only after the passage of time, pursuant to any agreement, arrangement or understanding, or upon the exercise of conversion rights, exchange rights, warrants or options or otherwise; provided, however, that a person shall not be deemed the owner of stock tendered pursuant to a tender or exchange offer made by such person or any of such person's affiliates or associates until such tendered stock is accepted for purchase or exchange; or (ii) the right to vote such stock pursuant to any agreement, arrangement or understanding; provided, however, that a person shall not be deemed the owner of any stock because of such person's right to vote such stock if the agreement, arrangement or understanding to vote such stock arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made to ten or more persons; or (3) has any agreement, arrangement or understanding for the purpose of acquiring, holding, voting, except voting pursuant to a revocable proxy or consent as described in subclause (ii) of paragraph (2) of this subsection, or disposing of such stock with any other person that beneficially owns, or whose affiliates or associates beneficially own, directly

or indirectly, such stock.

(i) "Person", any individual, corporation, partnership, unincorporated association or other entity.

(j) "Voting stock", stock of any class or series entitled to vote generally in the election of directors.

Section 4. No provision of a corporation's articles of organization or by-laws shall require, for any vote of stockholders required by this chapter, a greater vote of stockholders than that specified in this chapter.

SECTION 9. Chapter 149 of the General Laws is hereby amended by inserting after section 20D the following section:-

Section 20E. No business combination transaction shall result in the termination or impairment of the provisions of any labor contract covering persons engaged in employment in the commonwealth negotiated by a labor organization or by a collective bargaining agent or other representative. Notwithstanding such business combination transaction, such labor contract shall continue in effect until its termination date or until otherwise agreed upon by the parties to such contract or their successors.

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

"Business combination transaction", any merger or consolidation, sale, lease, exchange or other disposition, in one transaction or a series of transactions, whether of all or substantially all the property and assets, including its good will, of the business operations that are the subject of the labor contract referred to in the first paragraph or any transfer of a controlling interest in such business operations;

"Employment", an individual's entire service, performed within and without the commonwealth, if the service is localized in the commonwealth. Service shall be deemed to be localized in the commonwealth if: (i) the service is performed entirely within the commonwealth; or (ii) the service is performed both within and without the commonwealth but the service performed without the commonwealth is incidental to the individual's service within the commonwealth, as where such service is temporary or transitory in nature or consists of isolated transactions.

Employment shall include an individual's service, performed within and without the commonwealth, if the service is not localized in any state, but some of the service is performed in the commonwealth; and (i) the individual's base of operations is in the commonwealth; or (ii) if there is no base of operations, then the place for which such service is directed or controlled is in the commonwealth; or (iii) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in the commonwealth.

In the event that an employee is denied or fails to receive wages, benefits or wage supplements as a result of a violation of this section, such employee shall

have available, in addition to private civil and other remedies available at law or equity, the remedies under the provisions of sections one hundred and forty-eight to one hundred and fifty, inclusive, of chapter one hundred and forty-nine. The department may take any and all appropriate action to enforce the provisions of this section including, but not limited to, injunctions, cease and desist orders and penalties provided for in sections one hundred and forty-eight to one hundred and fifty, inclusive.

Recovery pursuant to a violation of this section shall be applicable to secure recovery against the merged, consolidated or resulting corporation or other successor employer, notwithstanding the provisions of this section or any other general or special law to the contrary.

SECTION 10. Chapter 149 of the General Laws is hereby amended by adding the following section:-

Section 183. (a) As used in this section, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

"Commissioner", the commissioner of the department of labor and industries.

"Control", the beneficial ownership of fifty percent or more of the outstanding voting securities of a control transferor; provided, however, that for the purposes of making percentage calculations outstanding voting securities shall include any voting stock underlying convertible securities.

"Control transferee", the person or persons who assume control following a transfer of control as defined herein.

"Control transferor", the person or persons who exercise control, including the power to hire and fire, before a transfer of control as defined herein; provided, however, that such person or persons are either:

(i) a corporation to which the provisions of paragraph (a) of section three of chapter one hundred and fifty-six B apply, a gas or electric company or combined gas and electric company to which section three of chapter one hundred and sixty-four applies or an association or trust which pursuant to said section three of said chapter one hundred and sixty-four owns beneficially a majority of the common stock of such a company or a trust company to which the provisions of chapter one hundred and seventy-two apply, a savings bank to which certain provisions of said chapter one hundred and seventy-two apply pursuant to section thirty-four C of chapter one hundred and sixty-eight, a cooperative bank in stock form to which certain provisions of chapter one hundred and seventy-two apply pursuant to section twenty-six C of chapter one hundred and seventy, or a national bank, federally chartered savings and loan association in stock form, or a federal savings bank in stock form; provided, however, that such corporation, trust company, savings bank, cooperative bank, national bank, federally chartered savings and loan association in stock form or a federal savings bank in stock form employs fifty or more full-time employees, or employees working aggregate hours equal to the sum of hours worked by fifty full-time employees, in the commonwealth at some

point in the twelve calendar months prior to the transfer of control; and, provided further, that the term "control transferor" as defined in this clause (i) shall also be deemed to include any such trust company, savings bank, cooperative bank, national bank, federally chartered savings and loan association in stock form, or a federal savings bank in stock form if, immediately prior to the transfer of control, the control of such trust company, savings bank, cooperative bank, national bank, federally chartered savings and loan association in stock form, or a federal savings bank in stock form is held by such control transferor.

(ii) a foreign corporation established, organized or chartered under laws other than those of the commonwealth; provided, however, that such corporation employs fifty or more full-time employees, or employees working aggregate hours equal to the sum of hours worked by fifty full-time employees, in the commonwealth at some point in the twelve calendar months prior to the transfer of control; and provided, further, that such corporation is not admitted to do business pursuant to section one hundred and fifty of chapter one hundred and seventy-five.

"Department", the department of labor and industries.

"Employee", any person employed for hire by an employer in any lawful employment.

"Termination of employment", the involuntary termination of an employee's employment consistent with the eligibility standards for unemployment benefits under section twenty-five of chapter one hundred and fifty-one A.

"Transfer of control", a transaction or series of transactions as a result of which any person, as such term is used in sections 13(d) and 14(d) of the Securities Exchange Act of 1934 hereinafter referred to as the "act", is or becomes the "beneficial owner", as defined in Rule 13d-3 under the act, directly or indirectly, of securities of a control transferor representing fifty percent or more of the control transferor's then outstanding voting securities; provided, however, that a change in control will not be deemed to have occurred solely because of the acquisition of securities of a control transferor, or any reporting requirement under the act relating thereto, by an employee benefit plan maintained by the control transferor for its employees.

"Weekly compensation", an employee's base compensation in effect on the last payroll period ending prior to the transfer of control for employees eligible pursuant to subsection (b) or the time of termination of employment for employees eligible pursuant to subsection (c).

"Year of service", each full year during which the employee has been employed by the control transferor as defined herein.

(b) Any employee of a control transferor whose employment is terminated within twenty-four calendar months after the transfer of control of his employer is entitled to a one time lump sum payment from the control transferee equal to the product of twice his weekly compensation multiplied by each completed year of service. Such severance pay to eligible employees shall be in addition to any final

wage payment to the employee and shall be made within one regular pay period after the employee's last day of work.

(c) Any employee of a control transferor whose employment is terminated within the shorter of the following periods prior to a control transfer: (1) twelve calendar months; or (2) the period of time between which the control transferee obtained a five percent interest in the voting securities of the control transferor and consummated a control transfer by obtaining a fifty percent or greater interest pursuant to a transfer of control as defined herein, is entitled to a one time lump sum payment from the control transferee equal to the product of twice his weekly compensation multiplied by each completed year of service. Such severance pay to eligible employees shall be in addition to any final wage payment to the employee and shall be made within four regular pay periods after such transfer of control.

(d) There shall be no liability for the one time payment to an otherwise eligible employee if:

(1) The employee is covered by an express contract providing for such payment in the event of termination of employment in excess of that provided by this section;

(2) The employee has been employed by the control transferor for less than three years;

(3) A transfer of control as defined herein is the result of the transfer of securities or the beneficial interest therein, directly or indirectly, by sale, gift, bequest or otherwise, in one transaction or a series of transactions, between:

(i) an individual and that individual's spouse;

(ii) an individual and that individual's sibling or the sibling's spouse;

(iii) an individual and that individual's lineal descendants or their spouses;

(iv) an individual or a fiduciary who holds the securities or the beneficial interest therein for the benefit of any of the foregoing persons; or

(4) The control transferee obtained control through enforcement of rights under pledge or other security interest created in good faith and not for the purpose of circumventing the purposes of this chapter or as a result of an assignment for the benefit of creditors, receivership, bankruptcy, enforcement by judicial process or other similar proceeding, including a transferee obtaining its interest from the person enforcing such rights or in connection with such proceeding.

(e) Upon assuming control, the control transferee shall be responsible for providing written notice to each employee of the control transferor and the collective bargaining representative, if any, of the rights of employees under this section within thirty days of completion of a transfer of control. The control transferee shall also provide written notice to the department that a control transfer has occurred. The department shall assess a fine in an amount up to one thousand dollars for failure to provide such notification.

(f) In the event any eligible employee is denied a lump-sum payment as a result of a violation of this section, such employee shall have available in addition to

private civil and other remedies available at law or equity, the remedies provided under sections one hundred and forty-eight to one hundred and fifty, inclusive, of chapter one hundred and forty-nine. The department of labor and industries may take any and all appropriate actions to enforce the provisions of this section under the authority provided in said sections one hundred and forty-eight to one hundred and fifty, inclusive, of said chapter one hundred and forty-nine.

(g) For the purposes of determining eligibility under subsections (b) and (c), all determinations shall be as of the date the control transfer occurs unless specifically stated otherwise.

(h) The commissioner may promulgate such rules and regulations as may be required for the implementation of this section with the approval of the secretary of labor.

SECTION 11. Chapter 156B of the General Laws is hereby amended by inserting after section 32 the following section:-

Section 32A. The terms and conditions of any rights or options issued by the corporation, including those outstanding on the effective date of this section, may include, without limitation, restrictions or conditions that preclude or limit the exercise, transfer, receipt or holding of such rights or options by any person owning or offering to acquire a specified number or percentage of the outstanding stock or other securities of the corporation, or any transferees of any such persons, or that preclude or limit such actions based on such other factors, including the nature or identity of such persons, as the directors determine to be reasonable and in the best interests of the corporation. Nothing contained in this section shall affect the duties or standard of care of a director pursuant to section sixty-five of this chapter.

SECTION 12. Said chapter 156B, as so appearing, is hereby further amended by striking out section 34, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 34. (a) Special meetings of the stockholders of a corporation not described in subsection (b) may be called by the president or by the directors, and shall be called by the clerk, or in the case of the death, absence, incapacity or refusal of the clerk, by another officer, upon written application of one or more stockholders who hold at least ten percent in interest of the capital stock entitled to vote thereat. In the event that none of the officers is able and willing to call a special meeting, the supreme judicial or superior court, upon application of one or more stockholders who hold at least ten percent in interest of the capital stock entitled to vote thereat, shall have jurisdiction to authorize one or more of such stockholders to call a meeting by giving such notice as is required by law.

(b) Special meetings of the stockholders of a corporation with a class of voting stock registered under the Securities Exchange Act of 1934, as amended, may be called by the president or by the directors and, unless otherwise provided in the articles of organization or by-laws, shall be called by the clerk, or in case of the

death, absence, incapacity or refusal of the clerk, by any other officer, upon written application of one or more stockholders who hold at least forty percent in interest of the capital stock entitled to vote thereat. In case none of the officers is able and willing to call a special meeting, the supreme judicial or superior court, upon application of one or more stockholders who hold at least forty percent in interest, or such other percentage as shall be specified in the corporation's articles of organization or by-laws, of the capital stock entitled to vote thereat, shall have jurisdiction in equity to authorize one or more of such stockholders to call a meeting by giving such notice as is required by law.

SECTION 13. Section 65 of said chapter 156B, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- In determining what he reasonably believes to be in the best interests of the corporation, a director may consider the interests of the corporation's employees, suppliers, creditors and customers, the economy of the state, region and nation, community and societal considerations, and the long-term and short-term interests of the corporation and its stockholders, including the possibility that these interests may be best served by the continued independence of the corporation.

SECTION 14. Section 12 of chapter 172 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Except as otherwise provided in the articles of organization or by-laws of the corporation, special meetings of the stockholders may be called pursuant to the provisions of section thirty-four of chapter one hundred and fifty-six B.

SECTION 15. Section 13 of said chapter 172, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

In determining what he or she reasonably believes to be in the best interests of such corporation, in considering proposed business combinations, as defined in paragraph (c) of section three of chapter one hundred and ten F, a director may consider the interests of the corporation's employees, suppliers, creditors and customers; the economy of the state, region and nation, community and societal considerations, and the long-term and short-term interests of the corporation and its stockholders, including the possibility that these interests may be best served by the continued independence of the corporation.

SECTION 16. Section 24 of said chapter 172, as so appearing, is hereby amended by adding the following paragraph:-

F. *Rights and Options.* -The terms and conditions of any rights or options issued by any such corporation, including those outstanding on the effective date of this section, may include, without limitation, restrictions or conditions that preclude or limit the exercise, transfer, receipt or holding of such rights or options by any person or persons owning or offering to acquire a specified number or percentage of the outstanding stock or other securities of the corporation, or any transferees of any such persons, or that preclude or limit such actions based on such other factors, including the nature or identity of such persons, as the directors determine

to be reasonable and in the best interests of the corporation. Nothing contained in this section shall affect the duties or standard of care of a director. The issuance of any shares of the capital stock of the corporation upon the exercise of any such options or rights shall require the prior approval of the commissioner and shall be subject to such conditions as the commissioner may impose.

SECTION 17. The secretary of economic affairs and the secretary of labor shall compile annually commencing on July first, nineteen hundred and eighty-nine, a written report of the effects of section one hundred and eighty-three of chapter one hundred and forty-nine of the General Laws. Said report shall include, but not be limited to, the number of transactions and employees covered by said section one hundred and eighty-three and the size of the lump sum payments received by eligible employees. Said report shall be filed annually with the clerk of the house of representatives who shall forward the same to the joint committee on commerce and labor.

Approved July 18, 1989.

Chapter 243. **AN ACT RELATIVE TO THE JURISDICTION OF LOCAL LICENSING AUTHORITIES.**

Be it enacted, etc., as follows:

Section 59 of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The parties shall have all rights of appeal as in other cases.

Approved July 18, 1989.

Chapter 244. **AN ACT MAKING THE WILLFUL, WANTON OR RECKLESS CONDUCT OF PHYSICAL EXERCISE AS PART OF A TRAINING PROGRAM WHICH CAUSES SERIOUS BODILY INJURY A CRIME.**

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 40. Whoever, having the direct management or direct control over the conduct of physical exercise as part of a course of study or training program at any public or private institution, agency or entity, willfully, wantonly and recklessly causes serious bodily injury to a person participating in a course of study or training

program involving physical exercise, shall be punished by a fine of not more than five thousand dollars or by imprisonment in a jail or house of correction for not more than two and one-half years or both.

For the purposes of this section "serious bodily injury" shall mean bodily injury which creates a substantial risk of death or which involves either total disability or the loss or substantial impairment of some bodily function for a substantial period of time.

Approved July 18, 1989.

Chapter 245. **AN ACT AUTHORIZING FINANCE COMMISSIONERS OF THE TOWN OF NORWOOD TO SERVE AS REPRESENTATIVE TOWN MEETING MEMBERS.**

Be it enacted, etc., as follows:

Section 16 of chapter 197 of the acts of 1914, as amended by chapter 753 of the acts of 1973, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- During the term for which they are chosen they shall be ineligible, either by appointment or by election, to any town office other than that for which they have been chosen, nor shall they, during any such term, hold any other such office; provided, however, they may serve as representative town meeting members.

Approved July 18, 1989.

Chapter 246. **AN ACT PROHIBITING THE WAIVER OF CONSUMER RIGHTS ESTABLISHED BY CERTAIN LAWS AND REGULATIONS.**

Be it enacted, etc., as follows:

Chapter 93 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following section:-

Section 101. Any rights granted to consumers under the provisions of any law or regulation enacted or promulgated by the commonwealth or any political subdivision thereof providing protection of such consumers' health, safety or welfare shall not be waived by agreement or otherwise unless specifically permitted by such law or regulation.

Approved July 19, 1989.

Chapter 247. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF OAK BLUFFS.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Oak Bluffs with more than six months remaining in the term of the office, may be recalled, and removed therefrom by the qualified voters of said town in the manner provided for herein.

SECTION 2. One hundred or more qualified voters may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Said town clerk shall thereupon deliver to the ten persons first named on such affidavit a sufficient number of petition blanks demanding such recall. These forms, available from the town clerk, may be completed by printing or typewriter and they shall contain the names of the ten persons to whom they are issued, the name of the person sought to be recalled, the office from which recall is sought, and the grounds for recall as stated in the affidavit. They shall demand the election of a successor to the office and they shall be dated, signed and sealed by the town clerk. Said recall petition shall be returned to the office of the town clerk not later than three o'clock in the afternoon on or before the first work day following twenty days after the date they are issued, signed by at least twenty percent of the total number of qualified persons registered to vote in the town and to every such signature shall be added the place of residence of the signer, giving the street and number, if any. Such signatures need not all be on one paper. One of the ten persons to whom the recall petition forms is issued shall make an affidavit on each page that the statements therein contained are true, and that each signature appended to the petition is the genuine signature of the person whose name it purports to be.

The town clerk shall, within one work day following the day of such filing with the office of the town clerk, submit the recall petition forms to the board of registrars of voters which shall, within five work days after the day of receipt, certify in writing thereon the number of signatures which are those of qualified voters as of the date of the most recent town election. The board of registrars of voters, upon the completion of their certification, shall return the recall petition forms to the town clerk.

SECTION 3. If said recall petition forms shall be certified by the board of registrars of voters to contain at least twenty percent of the qualified persons registered to vote, the town clerk shall immediately give notice, in writing, to the elected officer whose recall is sought by sending to said officer a copy of the affidavit and the recall petition form together with notice of the number of qualified

voters certified by the board of registrars of voters who signed the recall petition forms and the total number of qualified voters in the town as of the most recent town election.

If the officer to whom notice is directed by the town clerk does not resign the office within five days following receipt of the aforesaid notice from the town clerk, the town clerk shall give notice in writing to the board of selectmen not later than one work day following the expiration of the foregoing five days. The board of selectmen shall order a special election to be held not less than sixty nor more than ninety days after the receipt of notice from the town clerk as aforesaid. If, however, a regular town election is to be held within one hundred days of receipt by the board of selectmen of notice from the town clerk, the recall election shall be held at such time and in conjunction with such regular election. If a vacancy occurs in the office for any reason after a recall election has been ordered by the board of selectmen, the recall election shall nevertheless proceed as provided for herein, but only the ballots for candidates need be counted.

SECTION 4. An officer whose recall is sought may be a candidate to succeed himself in the event the question of recall is voted in the affirmative. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twenty-five. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws regulating elections, unless otherwise provided.

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

SECTION 6. The ballots used at the 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 such propositions. Under the propositions shall appear the word "candidates" and the directions for the voters required by law, and beneath the word "candidates" shall be the names of candidates nominated in accordance with the provisions of law. If a majority of the votes cast is against the recall, the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted. The candidate

receiving the higher number of votes shall be declared elected. If the officer is recalled, he shall be deemed removed upon certification of the election results by the town clerk. The candidate receiving the highest vote and therefore elected, shall serve for the balance of the unexpired term of the officer removed.

SECTION 7. No recall affidavit shall be filed against an officer within three months after his election, nor, in the case of an officer elected in a recall election, until three months after that election. No recall shall be filed against an officer subjected to a recall election and not thereby recalled until at least six months after the election at which his recall was not approved by the qualified voters.

SECTION 8. This act shall take effect upon its passage.

Approved July 19, 1989.

Chapter 248. AN ACT CONTINUING THE POWER OF THE INSPECTOR GENERAL TO SUBPOENA WITNESSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately continue the power of the inspector general to summons the attendance and testimony under oath of certain persons, 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 two of chapter one hundred and nineteen of the acts of nineteen hundred and eighty-four is hereby repealed.

SECTION 2. Section 3 of said chapter 119 is hereby amended by striking out, in lines 2 to 4, inclusive, the words "and section two shall take effect on July first, nineteen hundred and eighty-nine".

SECTION 3. This act shall take effect on June thirtieth, nineteen hundred and eighty-nine.

Approved July 19, 1989.

Chapter 249. AN ACT AUTHORIZING THE TOWN OF TISBURY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The town treasurer of the town of Tisbury is hereby authorized to pay from available funds to William Dias the sum of eight thousand nine hundred sixty-three dollars and seventy-six cents for clean fill, notwithstanding the failure

of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

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

Approved July 19, 1989.

Chapter 250. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE TOWN MEETING OF THE TOWN OF DENNIS.

Be it enacted, etc., as follows:

SECTION 1. The vote passed by the voters of the town of Dennis at the election held on May first, nineteen hundred and eighty-nine to exempt from the provisions of section twenty-one C of chapter fifty-nine of the General Laws the amounts required to pay for the bonds issued for the town's share of design, engineering and capital costs for the Dennis-Yarmouth septage facility is hereby ratified, validated, and confirmed notwithstanding any defect or omission in the calling of said election.

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

Approved July 19, 1989.

Chapter 251. 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 Randolph Swillo in the city of Quincy on August twelfth, nineteen hundred and eighty-nine between Lillian McCrackin of the city of Quincy and Kenneth Green of Albemarle, North Carolina, and the state secretary shall issue to said Randolph Swillo in his capacity as aforesaid a certificate of such authorization.

Approved July 19, 1989.

Chapter 252. **AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE DIRECTOR OF STANDARDS.**

Be it enacted, etc., as follows:

The first paragraph of section 29 of chapter 98 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the third sentence the following sentence:- The division may also approve weighing and measuring devices for which certificates of conformance have been issued by the National Institute of Standards and Technology under the National Type Evaluation program.

Approved July 19, 1989.

Chapter 253. **AN ACT FURTHER REGULATING THE EXHIBITION OF WILD ANIMALS.**

Be it enacted, etc., as follows:

Section 77B of chapter 272 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- This section shall not be deemed to prevent the exhibition of any wild animal in a zoological garden or in connection with any theatrical exhibition or circus or by any educational institution or wild animal farm, whether on or off the premises of such educational institution or wild animal farm.

Approved July 19, 1989.

Chapter 254. **AN ACT RELATIVE TO THE POSITION OF TOWN COORDINATOR IN THE TOWN OF WESTBOROUGH.**

Be it enacted, etc., as follows:

The first paragraph of section 4-1 of the charter of the town of Westborough, 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 the fourth sentence and inserting in place thereof the following two sentences:- The town coordinator need not be a resident of the town or the commonwealth at the time of appointment, but must establish residence in Westborough or in a town contiguous to Westborough within one year following the date of appointment. Failure to establish such residence shall be deemed to be

a resignation from the office of town coordinator.

Approved July 19, 1989.

Chapter 255. AN ACT FURTHER REGULATING THE LEASING OF UNITS BY HOUSING AUTHORITIES.

Be it enacted, etc., as follows:

Section 43 of chapter 121B of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in the 1988 Official Edition, and inserting in place thereof the following paragraph:-

The number of units leased by any housing authority in any one building or development shall not exceed the following limits: In a building or development containing one to twelve units, no limit, in a building or development containing thirteen to thirty units, twelve units or fifty percent of the units, whichever is higher, in a building or development containing thirty-one or more units, forty percent of the total units, rounded up to the next highest whole number; provided, however, that the department may, in its discretion, permit a housing authority to lease additional units in a building or development containing more than twenty but less than one hundred units if the department determines that the owner of said buildings or development needs and will use the proceeds from said lease for the sole purpose of improving said building or development; and, provided further, that there shall be no limits in any building or development containing less than one hundred units where the department determines that such units are necessary to provide affordable housing for persons and families of low income; and, provided further, that there shall be no limits in any building where the department determines that all such units are for single room occupancy.

Approved July 19, 1989.

Chapter 256. AN ACT AUTHORIZING THE CITY MANAGER OF THE CITY OF LOWELL TO APPOINT CITY COUNCILLOR BRIAN J. MARTIN OF THE CITY OF LOWELL TO THE POSITION OF ASSISTANT CITY MANAGER OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eight of chapter thirty-nine of the General Laws and any other general or special law to the contrary, the city manager of the city of Lowell is hereby authorized to appoint Brian J. Martin, who is presently serving as a member of the city council of said city, to the position

of assistant city manager of the city of Lowell; provided, however, that upon his appointment as said assistant city manager of the city of Lowell he shall resign as a member of the city council of said city.

SECTION 2. This act shall take effect upon its acceptance by the city of Lowell during the current year.

Approved July 19, 1989.

Chapter 257. AN ACT RELATIVE TO SOLICITATION OF POLITICAL CONTRIBUTIONS BY CITY EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solicitation of political contributions by city employees, 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 43 of the General Laws is hereby amended by striking out section 108, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 108. No employee of any department, board or commission of the city shall, directly or indirectly, solicit or receive, or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any political party, for any candidate for city office or for any political committee organized on behalf of such candidate. This section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for city office of an employee of any department, board or commission of the city shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person, provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility. A person who violates any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both such fine and imprisonment, and upon final conviction thereof the office or position in the service of the city held by such person shall be vacated and such person shall

not be eligible for an office or position, elective or otherwise, in the service of the city.

Approved July 21, 1989.

Chapter 258. AN ACT RELATIVE TO THE MOTOR VEHICLE LIABILITY INSURANCE POOL.

Be it enacted, etc., as follows:

Section 113H of chapter 175 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 61, the word "ten" and inserting in place thereof the following word:- twenty.

Approved July 21, 1989.

Chapter 259. AN ACT RELATIVE TO THE LOSS OF CONSORTIUM OF A CHILD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by inserting after section 85W the following section:-

Section 85X. The parents of a minor child or an adult child who is dependent on his parents for support shall have a cause of action for loss of consortium of the child who has been seriously injured against any person who is legally responsible for causing such injury.

SECTION 2. This act shall be effective to all causes of action which accrued on or after September first, nineteen hundred and eighty-six and to all similar causes of action now pending in any court in the commonwealth.

Approved July 24, 1989.

Chapter 260. AN ACT RELATIVE TO LOCAL COUNCILS FOR CHILDREN.

Be it enacted, etc., as follows:

Section 7 of chapter 28A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

Local councils may enter into contracts with local or regional associations for cooperative endeavors, receive or solicit funds and apply for or accept any federal,

state, local or private grants, bequests, gifts or contributions, in accordance with guidelines established by the office and shall submit an annual report to the commissioner, and to both the house and senate committees on ways and means itemizing all funds received and expended.

Approved July 24, 1989.

Chapter 261. **AN ACT RELATIVE TO TEACHER AIDE RESIDENCY REQUIREMENTS.**

Be it enacted, etc., as follows:

Section 38 of chapter 71 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "teacher", in line 35, the words:- , instructional aide.

Approved July 24, 1989.

Chapter 262. **AN ACT RELATIVE TO CALL FIRE FIGHTERS EMPLOYED BY A DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 48 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following section:-

Section 90. For the purposes of chapter 268A, a fire district shall be considered a municipal agency and each part-time firefighter of such fire district and any person who performs professional services for such a fire district on a part-time, intermittent or consultant basis, shall be considered a special municipal employee.

SECTION 2. Section 20 of chapter 268A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 33 to 38, the words "(d) to a special municipal employee who files with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen if there is no city council or the board of selectmen approve the exemption of his interest from this section," and inserting in place thereof the following words:- (d) to a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section,.

SECTION 3. Said section 20 of said chapter 268A, as so appearing, is hereby

further amended by striking out, in lines 42 to 50, the words "(f) to a municipal employee if the contract is for personal services in a part-time, call, or volunteer capacity with the police, fire, rescue, or ambulance department of a town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section" and inserting in place thereof the following words:- (f) to a municipal employee if the contract is for personal services in a part time, call or volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes and files with the clerk of the city, district or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen, board of aldermen or district prudential committee approve the exemption of his interest from this section.

Approved July 24, 1989.

Chapter 263. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF UPTON.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Upton a department of public works, hereinafter called the department, which shall be under the supervision and control of a director of public works, hereinafter called the director. The board of selectmen shall appoint and remove the director when in their judgment the public interest so requires, and shall fix the compensation of the director, subject to available appropriations.

The director shall be specially fitted by education, training and experience to perform the duties of his office. His term of office shall be determined by the board of selectmen and he shall serve at the pleasure of the board of selectmen and shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws. During his tenure he shall hold no elective office nor shall he engage in any other business or occupation. The director may appoint and remove such employees as the exercise and performance of his powers, rights, and duties may require, subject to available appropriations and the approval of the board of selectmen.

The director shall establish within the department the following divisions: engineering, highway, sanitation, water/sewer, town-owned buildings except

school buildings, and a division of cemeteries, conservation, parks and forestry.

SECTION 2. Except as herein provided, the following offices, boards and commissions, to wit: road commissioner, superintendent of water and sewer, tree warden, cemetery commission, parks and recreation commission, and board of water and sewer commissioners, are hereby abolished, and all powers and duties vested by general law or by-law in said offices, boards and commissions are hereby transferred to the department of public works established by section one. No existing contract or liability shall be affected by such abolition, and the department shall in all respects be the lawful successor to the offices, boards and commissions so abolished.

The department shall be responsible for the repair and maintenance of all town-owned buildings except school buildings and shall provide engineering service to all town officers, boards and commissions.

All persons employed by or under the supervision of the offices, boards, and commissions abolished by this act shall upon the effective date of this act be transferred to the department. All such transfers of employees shall be made without loss of pay, and without change of rating, seniority, retirement or pension rights, or any other privileges under any provision of law or by-law.

SECTION 3. The selectmen may establish an advisory board to the department and may at any time thereafter abolish the same. Said advisory board shall consist of three members. The compensation, if any, of members of said advisory board shall be such as the board of selectmen may from time to time determine, subject to available appropriations.

SECTION 4. The parks and recreation commission shall become the recreation commission and shall continue to have and exercise all of the powers which it presently possesses with respect to the scheduling and operation of recreation programs. Responsibility for repair and maintenance of parks and recreation facilities is transferred to the department pursuant to section two.

SECTION 5. The cemetery commissioners shall continue to determine eligibility, and the rates to be charged, for burial in the town cemeteries, and to supervise the investment and expenditure of the cemetery funds now existing or hereafter paid for the purchase of cemetery lots and maintenance agreements.

Approved July 24, 1989.

Chapter 264. AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

The town of Marblehead is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said town is authorized to pay to Marblehead Trading Company the sum of seven thousand two hundred thirty-four dollars and ninety-four cents for repairs to the police boat of said town, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

Approved July 24, 1989.

Chapter 265. AN ACT TO PROMOTE REDUCED USE OF TOXIC AND HAZARDOUS SUBSTANCES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. WHEREAS, the commonwealth of Massachusetts has suffered environmental and public and occupational health problems caused by releases of toxic and hazardous substances, it is hereby resolved that an effective way to promote industrial hygiene, worker safety, and protection of the environment and public health in the commonwealth is through reductions in the use of toxic and hazardous substances. To this end, the policy goals of this act shall be:

1. To establish for the commonwealth a statewide goal of reducing toxic waste generated by fifty percent (50%) by the year 1997 using toxics use reduction as the means of meeting this goal.

2. To establish toxics use reduction as the preferred means for achieving compliance with any federal or state law or regulation pertaining to toxics production and use, hazardous waste, industrial hygiene, worker safety, public exposure to toxics, or releases of toxics into the environment and for minimizing the risks associated with the use of toxic or hazardous substances and the production of toxic or hazardous substances or hazardous wastes;

3. To sustain, safeguard and promote the competitive advantage of Massachusetts businesses, large and small, while advancing innovation in toxics use reduction and management;

4. To promote reductions in the production and use of toxic and hazardous substances within the commonwealth, both through the programs established in section three of this act and through existing toxics-related state programs;

5. To enhance and strengthen the enforcement of existing environmental laws and regulations within the commonwealth; and

6. To promote coordination and cooperation between all state departments and agencies administering toxics-related programs.

SECTION 2. Section eight of chapter twenty-one A of the General Laws is

hereby amended by inserting following the first paragraph the following:

In regulating or approving any pollution prevention, control or abatement plan, strategy, or technology, through any permit, license, regulation, guideline, plan approval or other departmental action affecting or prohibiting the emission, discharge, disposal, release, or threat of release of any hazardous substance to the environment, or in establishing standards for such emission, discharge, disposal, release, or threat of release, pursuant to any statute administered by said department, the department may consider the potential effects of such plans, strategies and technologies on public health and safety and the environment that may arise through any environmental medium or route of exposure that is regulated by the department pursuant to any statute; and said department shall act to minimize and prevent damage or threat of damage to the environment. In no event shall the department authorize implementation of any plan, strategy or technology less protective of the environment than required by any applicable federal statute, regulation, permit, license, or plan approval.

The provisions of this section shall not limit or restrict any existing authority of the department of environmental quality engineering.

SECTION 3. The General Laws are hereby amended by inserting after chapter twenty-one H the following chapter:

CHAPTER 21 I.

MASSACHUSETTS TOXICS USE REDUCTION ACT

Section 1. This chapter shall be known and may be cited as the "Massachusetts Toxics Use Reduction Act."

Section 2. Definitions.

In this chapter, the following words shall have the following meanings:

"Agency," state agency.

"Byproduct," All nonproduct outputs of toxic or hazardous substances generated by a production unit, prior to handling, transfer, treatment or release.

"CERCLA," the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. S9601 et. seq. (Public Law 92-500).

"Commissioner," the commissioner of the department of environmental quality engineering or his designee.

"Council," the administrative council on toxics use reduction as established by section four of this chapter.

"Department," the department of environmental quality engineering.

"Emission," a release of a toxic or hazardous substance to the environment or a transfer of a toxic or hazardous substance in waste to an off-site location.

"EPCRA," the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. S11001 et. seq. (Public Law 99-499).

"Facility," all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person, or by any person who controls, is controlled by, or is under common control with, such person.

"Intermediate product," (a) in chemical manufacturing, any chemical substance that is consumed, in whole or in part, in chemical reactions used for the intentional manufacture of another chemical substance or mixture, or that is intentionally present for the purpose of altering the rate of chemical reactions, other than a non-isolated intermediate as defined in this chapter; (b) in any other setting, any manufactured substance, compound, or product that is consumed, in whole or in part, in a chemical or physical process for the intentional manufacture of another product, becomes a component part of another product, or that is intentionally present for the purpose of aiding the manufacture of another product, other than a non-isolated intermediate as defined in this chapter.

"Large quantity toxic user," any toxics user who manufactures, processes or otherwise uses any toxic or hazardous substance in an amount the same as or greater than the applicable threshold amount in a calendar year at a facility.

"Manufacture," to produce, prepare, import or compound a toxic or hazardous substance.

"Mixture," means any combination of two or more chemicals, if the combination is not, in whole or in part, the result of a chemical reaction. However, if the combination was produced by a chemical reaction but could have been produced without a chemical reaction, it is also treated as a mixture. A mixture also includes any combination which consists of a chemical and associated impurities.

"Multi-media," having to do with all environmental media including, but not limited to, water, land and air and workplaces within facilities.

"Non-isolated intermediate," any intermediate which is not intentionally removed from the equipment in which it is manufactured, including any reaction vessel in which it is manufactured, equipment which is ancillary to the reaction vessel or similar equipment, and any equipment through which the intermediate passes during a continuous flow process, but not including tanks or other vessels or equipment in which the substance or product is stored after manufacture.

"Office," or "Office of Toxics Use Reduction Assistance and Technology," the Office of Toxics Use Reduction Assistance and Technology established pursuant to section seven of this chapter.

"Person," any individual, trust, firm, joint stock company, corporation, partnership, or association engaged in business or in providing service, excluding the Commonwealth of Massachusetts, and any authority, district, municipality or political subdivision of the Commonwealth of Massachusetts.

"POTW (publicly-owned treatment works) operators," holders of discharge permits for any devices and systems owned by the commonwealth or any of its

political subdivisions and used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature to implement 33 U.S.C. S1281, or necessary to recycle or reuse water at the most economical cost under the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and the appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; any works, including the land that will be an integral part of the treatment process (including land used for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment; any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

"Process," the preparation of a toxic or hazardous substance, after its manufacture, for distribution in commerce:

(a) in the same form or physical state, or in a different form or physical state from, that in which it was received by the toxics user so preparing such substance; or

(b) as part of an article containing the toxic or hazardous substance.

"Product," a product, a family of products, an intermediate product, a family of intermediate products, or a desired results or a family of result.

"Production unit," a process, line, method, activity, or technique, or a combination or series thereof, used to produce a product.

"SIC code," the identification code assigned to facilities by the United States Department of Commerce.

"Small quantity toxics user," any toxics user who is not a large quantity toxics user.

"State agency," any agency or authority of the commonwealth as defined in section one of chapter thirty A of the General Laws.

"Threshold amounts," shall be initially established as the following:

(a) for those toxics users that manufacture or process a toxic or hazardous substance, as the terms "manufacture" and "process" are defined herein, the threshold amount for a toxic or hazardous substance shall be twenty-five thousand pounds each year at any one facility; and

(b) for those toxics users that otherwise use a toxic or hazardous substance, the threshold amount for a toxic or hazardous substance shall be ten thousand pounds each year at any one facility.

However, if the administrator of the United States Environmental Protection Agency sets a threshold quantity for facility reporting on a toxic or hazardous substance under Section 313 of EPCRA which is lower than a corresponding

threshold amount specified in paragraph (a) or (b), the department shall change the corresponding threshold for that substance under this chapter to be the same as the federal threshold.

"Toxics user," any toxics user who owns or operates any facility that manufactures, processes or otherwise uses any toxic or hazardous substance and that is classified in SIC Codes Ten through Fourteen inclusive, Twenty through Forty inclusive, Forty-four through Fifty-one inclusive, Seventy-two, Seventy-three, Seventy-five and Seventy-six.

"Toxic," toxic or hazardous.

"Toxic or hazardous substance," any chemical substance in a gaseous, liquid or solid state which is identified on the toxic or hazardous substance list established pursuant to section nine of this chapter, but which will not include any chemical substance when it is (1) present in an article; (2) used as a structural component of a facility; (3) present in a product used for routine janitorial or facility grounds maintenance; (4) present in foods, drugs, cosmetics or other personal items used by employees or other toxics users at a facility; (5) present in a product used for the purpose of maintaining motor vehicles operated by a facility; (6) present in process water or non-contact cooling water as drawn from the environment or from municipal sources, or present in air used either as compressed air or as part of combustion; (7) present in a pesticide or herbicide when used in agricultural applications; or (8) present in crude, lube or fuel oils or other petroleum materials being held for direct wholesale or retail sale.

"Toxic or hazardous substance list," the list of toxic or hazardous substances established pursuant to section nine of this chapter.

"Toxics," toxic or hazardous substances.

"Toxics use reduction," in-plant changes in production processes or raw materials that reduce, avoid, or eliminate the use of toxic or hazardous substances or generation of hazardous byproducts per unit of product, so as to reduce risks to the health of workers, consumers, or the environment, without shifting risks between workers, consumers, or parts of the environment. Toxics use reduction shall be achieved through any of the following techniques:

1. Input substitution, which refers to replacing a toxic or hazardous substance or raw material used in a production unit with a non-toxic or less toxic substance;

2. Product reformulation, which refers to substituting for an existing end-product an end-product which is non-toxic or less toxic upon use, release or disposal;

3. Production unit redesign or modification, which refers to developing and using production units of a different design than those currently used;

4. Production unit modernization, which refers to upgrading or replacing existing production unit equipment and methods with other equipment and methods based on the same production unit;

5. Improved operation and maintenance of production unit equipment and methods which refers to modifying or adding to existing equipment or methods including, but not limited to, such techniques as improved housekeeping practices, system adjustments, product and process inspections, or production unit control equipment or methods; or

6. Recycling, reuse, or extended use of toxics by using equipment or methods which become an integral part of the production unit of concern, including but not limited to filtration and other closed loop methods.

However, toxics use reduction shall not include or in any way be inferred to promote or require incineration, transfer from one medium of release or discharge to other media, off-site or out-of-production unit waste recycling, or methods of end-of-pipe treatment of toxics as waste.

"Trade secret," any formula, plan, pattern, process, production data, device, information, or compilation of information which is used in a toxics user's business, and which gives said toxics user an opportunity to obtain an advantage over competitors who do not know or use it.

"User segment," a set of no fewer than five toxics users who employ a similar production unit, as classified by the department pursuant to section three of this chapter.

"Toxics Use Reduction Institute," or "Institute," the Toxics Use Reduction Institute established pursuant to section six of this chapter.

Section 3. Responsibilities of the Department.

In addition to any other requirements or authorities of this chapter, the department's duties shall include the following:

(A) The department shall identify all department requirements for reporting on chemical use, release and disposal, and to the maximum extent possible, shall standardize, consolidate and coordinate these reporting requirements to minimize unnecessary duplication.

(B) By January 1, 1991 the department shall, to the extent practicable, coordinate information about the manufacture, distribution, process, sale, storage, disposal, release or other use of toxics, including the inventory reporting requirement of section ten, on a computer system in order to provide reliable and accessible information across the commonwealth to aid in standardizing the inspection, enforcement and other activities of the commonwealth. The department shall also cooperate with and make this information readily available through computer connections and other means to the Office, the Institute, the environmental protection division of the department of the attorney general, and other state agencies and POTW operators.

(C) In order to facilitate the coordination of reporting requirements, the department is hereby authorized to seek unified reporting and enforcement authority from the United States Environmental Protection Agency on federal toxics laws and regulations, including but not limited to the Clean Air Act, 42 U.S.C. S7401

et seq.; Federal Water Pollution Control Act, 33 U.S.C. S1251 et seq.; Toxic Substances Control Act, 15 U.S.C. S2601 et seq.; Resource Conservation and Recovery Act, 42 U.S.C. S6901 et seq.; CERCLA and any amendments thereto.

(D) The department shall develop and implement, by January 1, 1992, guidelines and regulations on inspections which (1) ensure that, where appropriate, inspections are multi-media in approach; (2) ensure that, where appropriate, the inspections are performed by teams of inspectors representing existing programs within the department; and (3) minimize duplication of inspection and enforcement efforts being conducted with other agencies.

(E) The department shall ensure that, to the maximum extent practicable, any toxics user found to be violating any law or standard for which the department has enforcement jurisdiction shall practice toxics use reduction in order to come into compliance with the violated law or standard.

(F) The department shall adopt, and may from time to time amend or repeal, rules and regulations which it deems necessary for the proper administration of this chapter and to protect the environment and public health, safety and welfare. As nearly as the department deems appropriate and practicable, regulations pertaining to reporting pursuant to section ten shall comport with and complement regulations adopted pursuant to section 313 of EPCRA.

(G) On or before January 1, 1990, the department shall issue guidelines concerning classification of production units in user segments according to similarities in products and processes. Such guidelines shall be based primarily on the logic and methodology of the product process codes developed for the Organic Chemicals, Plastics, and Synthetic Fibers ("OCPSF") effluent guidelines and pretreatment standards under the Federal Water Pollution Control Act ("FWPCA") as amended and, to the extent feasible and appropriate, on protocols and standards used by Massachusetts and others. Based on these guidelines, reports filed pursuant to section ten as of July 1, 1991, and further consideration of then existing classification systems and protocols, the Department shall on or before January 1, 1992 promulgate regulations establishing classifications for production units.

(H) The department annually shall compile, analyze and summarize the reports and plan summaries required by sections ten and eleven, to the extent available, and shall submit a report to the Council on the agency's findings regarding progress in and expected progress in toxics use reduction and emissions reduction in the commonwealth. A copy of said report shall be filed with the clerk of the House of Representatives and the clerk of the Senate.

(I) Personnel or authorized agents of the department may at all reasonable times enter into any premises, public or private, for the purpose of investigating any records, substance, condition, equipment, practice, or property relating to activities subject to regulation under this chapter. For the purposes of such entries no warrant shall be required provided, however, that upon demand by the owner or individual in control of such premises, a warrant authorizing such entry and inspection shall

be sought after such demand. A warrant may be sought by personnel or authorized agents of the department without such demand having been made. Any court, judge, justice or other officer authorized to issue warrants in criminal cases may issue such warrants.

(J) Unless indicated otherwise in this chapter, the department shall develop and make operational all programs and functions required of the department by January 1, 1992.

Section 4. Administrative Council on Toxics Use Reduction.

There is hereby established an administrative council on toxics use reduction. The council shall be composed of the secretary of the executive office of environmental affairs or his designee, the commissioner of the department or his designee, the secretary of the executive office of economic affairs or his designee, the director of the office of science and technology or his designee, the commissioner of the department of public health or his designee, the secretary of the executive office of labor or his designee, and an employee of the commonwealth appointed by the governor. The members of the council shall serve without additional compensation. The secretary of environmental affairs shall be the chairperson of the council and direct and coordinate the activities of the council. The council shall be deemed to be a government body for the purposes of, and shall be subject to, section eleven A and one-half of chapter thirty A of the general laws. The council shall have its own staff. In addition to any other requirements of this chapter, the council's duties shall include the following:

(A) By January 1, 1991, and on an annual basis thereafter, the council shall identify all federal or state laws or regulations pertaining to chemical production and use, hazardous waste, industrial hygiene, worker safety, public exposure to toxics, and releases of toxics into the environment. The council shall promote increased coordination of efforts to enforce these laws and regulations and also determine how state programs should be coordinated to promote most effectively toxics use reduction in the commonwealth.

(B) The council shall, by January 1, 1991, identify all state agency and POTW requirements for reporting on chemical or hazardous substance production, use, release, disposal, and worker exposure and to the maximum extent practicable shall make recommendations to said state agencies and POTW operators in order to standardize, consolidate and coordinate these reporting requirements to minimize unnecessary duplication and provide for up-to-date and consistent information about manufacturing, worker exposure, distribution, process, sale, storage, disposal, release or other use of chemicals on a facility, regional and statewide basis.

(C) The council shall adopt, and from time to time amend or repeal, rules and regulations which it deems necessary for the proper administration of its responsibilities pursuant to this chapter.

(D) The council shall annually make policy recommendations in a report to the

governor regarding toxics use reduction, the implementation of this act, including a detailed report of the expenditures made from the Toxic Use Reduction Fund, and the achievement of increased toxics use reduction, and shall file a copy of this report with the clerk of the House of Representatives and the clerk of the Senate.

(E) In order to promote and effect toxics use reduction, the council may comment on all proposed regulations pertaining to toxics production and use, hazardous waste, industrial hygiene, worker safety, public exposure to toxics, or releases of toxics into the environment prior to their promulgation and may provide an equal opportunity for such comment by the advisory board.

(F) The council may recommend to the Massachusetts advisory Board on Toxics Use Reduction the formation of ad hoc committees pursuant to section five (D) of this chapter.

Section 5. Massachusetts Advisory Board on Toxics Use Reduction.

There is hereby established a Massachusetts Advisory Board on Toxics Use Reduction, hereinafter referred to as the advisory board. The advisory board shall be composed of the following fifteen individuals: the attorney general of the commonwealth or his designee; the executive director of the Massachusetts Water Resources Authority, or his designee; and including the following thirteen members of the general public: two individuals, each representing a statewide environmental organization; two individuals, each representing organized labor; four representatives of business in the commonwealth, including two representatives of small business; one representative of a water authority other than the Massachusetts Water Resources Authority; two members of the general public, one of whom shall be a citizen who has been active in a local toxics-related environmental organization; and two individuals, each representing a statewide health policy advocacy organization. The governor shall appoint the thirteen members of the general public. Four of the initial appointees shall serve for an initial term of one year. Four of the initial appointees shall serve for an initial term of two years. All other appointees shall serve three year terms. No member of the general public may be reappointed for more than two consecutive terms. The governor shall appoint one member of the advisory board to serve as chairperson. The members of the advisory board shall serve without compensation, however, each member other than officials of the commonwealth shall be reimbursed for all reasonable expenses incurred in the performance of his duties, as authorized by the council. The advisory board shall be deemed to be a governmental body for the purposes of, and shall be subject to, section eleven A and one-half of chapter thirty A of the General Laws. The advisory board's responsibilities shall include, but not be limited to, the following:

(A) The advisory board shall fulfill its obligations and responsibilities to work with the council as described in this chapter.

(B) The advisory board shall provide a forum for discussion and deliberation on matters pertaining to the implementation of this chapter.

(C) The advisory board shall establish an annual governor's toxics use reduction award program to recognize outstanding individual and organizational public and private achievement in toxics use reduction.

(D) The advisory board shall, whenever it deems it necessary or propitious, or at the recommendation of the council, establish ad hoc committees including but not limited to members of the advisory board, to study and formulate recommendations on particular issues or problems that arise concerning the implementation of this chapter. The chairperson of the advisory board, subject to the approval of the majority of the advisory board, shall appoint members of ad hoc committees. Ad hoc committees shall be established to include representation from priority user segments.

Section 6. Toxics Use Reduction Institute.

There is hereby established a Toxics Use Reduction Institute at the University of Lowell, hereinafter referred to as the Institute. The Institute shall work in cooperation with other faculty, staff, students and programs of the university. The Institute shall submit to the council a set of operating guidelines including, but not limited to, the types of services, programs and priorities related to toxics use reduction which it will offer. The Institute shall establish cooperative programs with other public and private colleges and universities designed to augment the implementation of this chapter; provided, however, that any programs or curricula developed by any other public and private colleges and universities in cooperation with the Institute shall be subject to the approval of the council. The Institute shall be funded through the toxics use reduction fund established through section Two K (2K) of chapter twenty-nine of the General Laws. The Institute may establish fees, tuitions, or other financial charges for its programs. For the programs required under this act, these monies shall be deposited in the toxics use reduction fund established in section Two K (2K) of chapter twenty-nine of the General Laws. However, all monies appropriated to the Institute from the toxics use reduction fund, or received by the Institute through additional grants, gifts, bequests, or contracts shall be administered through the research foundation established in section twenty-two of chapter seventy-five A of the General Laws.

Through such programs the Institute shall:

(A) Provide general information about and actively publicize the advantages of and developments in toxics use reduction, and the requirements of this chapter.

(B) Establish courses, seminars, conferences and other events, and reports, updates, guides and other publications, and other means of providing technical information for toxics users, and may as appropriate work in cooperation with the office.

(C) Develop and provide curriculum and training for higher education students and faculty on toxics use reduction.

(D) Engage in research, development and demonstration of toxics use reduction methods. Such research may include but not be limited to assessments

of the impact of adopting such methods on the environment, public health and worker exposure, and assessments of the economic and employment impacts within affected firms or user segments.

(E) By July 1, 1991, develop, in consultation with the department, the office, the executive office of economic affairs, and the Science Advisory Board, a toxics use reduction planning program for individuals who wish to be certified as toxics use reduction planners. Programs may also be available at other public and private colleges and universities located in the commonwealth, subject to the approval of the council. Such programs shall be designed to train toxics use reduction planners to be qualified to assist toxics users in the development and implementation of current toxics use reduction techniques and shall be designed to train toxics use reduction planners to be qualified to prepare, review, and approve toxics use reduction plans established in section eleven of this chapter.

(F) Sponsor research or pilot projects to develop and demonstrate innovative technologies for toxics use reduction. The results of all such projects shall be available for use by the public. Information protected by trade secret protections as established in section twenty shall remain so protected.

(G) May assist in the training of inspectors and other key toxics personnel, if so requested by the department.

(H) Provide toxics use reduction training and assistance to citizens, community groups, workers, labor representatives, and local government boards and officials. This program shall at a minimum assist these individuals and groups in understanding and reviewing reporting requirements, toxics use reduction plan summaries, and citizen petition and enforcement activities, pursuant to this chapter.

(I) Shall take advantage of all available information from existing state and federal programs on toxics use reduction and pollution prevention.

(J) Shall conduct a detailed study on potential restrictions on the use of chemicals in the commonwealth. The study shall include, but not be limited to existing national and international experiences with restrictions; the social, environmental and economic costs and benefits of adopting chemical restrictions; the potential for restrictions in Massachusetts, and how a restriction program could be implemented. By January 1, 1993, the Institute shall present its findings on the study to the Council, which shall file a copy of the study with the clerk of the House of Representatives, the clerk of the Senate, and the joint committee on Natural Resources and Agriculture. The council shall hold a public hearing on the study. By January 1, 1995, the Institute shall present to the council a further study on the Massachusetts experience with this chapter, and how it relates to the issue of chemical restrictions. The council shall file a copy of the study with the clerk of the House of Representatives, the clerk of the Senate, and the joint committee on Natural Resources and Agriculture. The council shall hold a public hearing on the study.

There shall be a Science Advisory Board associated with the Institute consisting

of eleven members appointed by the governor, three members shall be nominated by the secretary of the executive office of environmental affairs, three members shall be nominated by the director of the Institute, three members shall be nominated by the secretary of the executive office of economic affairs, one member shall be nominated by the secretary of the executive office of labor, and one member shall be nominated by the secretary of the executive office of human services. Four of the initial appointees shall serve for an initial term of one year, four of the initial appointees shall serve for an initial term of two years, and all other appointees shall serve for three year terms. No member shall serve for more than two consecutive terms. Each member must have appropriate academic or professional experience. The Institute shall consult with the Science Advisory Board on issues including, but not limited to, user segments, and additions and deletions to the list of chemicals, and may consult with the Science Advisory Board on other related matters. The members of the Science Advisory Board shall serve without compensation.

Unless otherwise noted all programs of the Institute described in this section shall be developed and operational by January 1, 1992.

Section 7. Office of Toxics Use Reduction Assistance and Technology.

In order to implement this chapter the Office of Toxics Use Reduction Assistance and Technology is established within the executive office of environmental affairs and shall provide, in addition to any other responsibilities in this act, the programs and responsibilities listed below:

(A) The office shall provide technical assistance to toxics users and small quantity toxics users to assist them in achieving toxics use reduction and in complying with the requirements of this chapter and the laws and regulations identified in section four. Provided, however, that office shall establish criteria for prioritizing such assistance for users in priority user segments and to users which have been referred to the office by the department.

(B) The office may recommend to the council user segments for prioritization subject to the provisions of section fourteen of this chapter.

(C) The office shall engage in an outreach program to small businesses required to report and plan as a result of prioritization and shall assist first-time filers with reporting requirements and trade secret submissions.

(D) The office's activities, wherever feasible, shall be coordinated with private sector initiatives in toxics use reduction and waste prevention education and technical assistance.

(E) The office shall not make available to the department information it obtains in the course of providing technical assistance to a toxics user, unless:

(i) the toxics user agrees that such information may be available to the department; or

(ii) the information is public record information; or

(iii) the information pertains to an imminent threat to public health or safety,

or to the environment; or

(iv) disclosure to the department is required by law.

Nothing in this section shall relieve any toxics user of any obligation to provide the department any notice or information required by any statute.

The office shall notify toxics users requesting technical assistance of these provisions.

Section 8. Responsibilities of all State Agencies.

In order to facilitate coordination of the implementation of this chapter with existing state and federal programs pertaining to toxics production and use, hazardous waste, industrial hygiene, worker safety, public exposure to toxics, or release of toxics into the environment, agencies of the commonwealth which administer such programs shall:

(A) review the programs and associated regulations of the agency and ascertain how toxics use reduction can be promoted and achieved;

(B) amend those programs or associated regulations, where feasible, so as to promote toxics use reduction as the preferred method for achieving the goals of such programs and submit to the council recommendations for coordinating toxics use reduction efforts with the programs specifically established by this chapter within the department, the office, and the Institute;

(C) by January 1, 1992, coordinate, to the extent feasible, reporting requirements and guidelines concerning the manufacture, use, or release of toxic or hazardous substances in a manner consistent with the recommendations for standardized, consolidated and coordinated state reporting requirements developed by the council pursuant to section four (B) of this chapter;

(D) develop, on a biennial basis, a multi-media inspection manual and training program for all inspectors on multi-media team inspections related to toxics. Where feasible, inspector training shall include cross-training with other agencies that administer toxics-related inspections. Agencies may request that the Institute assist with the training of inspectors to carry out multi-media inspections.

Section 9. Toxic or Hazardous Substance List.

The toxic or hazardous substance list shall consist of;

(A) As of January 1, 1990, and thereafter, the chemicals identified on the Toxic Chemical List established pursuant to Section 313 of

EPCRA. Each year the council shall adjust the toxic or hazardous substance list to add or delete substances consistent with changes in said toxic chemical list.

(B) The council shall by regulation, add all of the chemicals listed pursuant to sections 101(14) and 102 of CERCLA. The council shall, by January 1, 1991, establish a schedule for the addition of said chemicals to the toxic or hazardous substance list which shall specify the chemicals to be added for the calendar year reporting periods of 1991, 1992 and 1993. No more than thirty-five percent of said chemicals shall be added for each of the first two reporting periods. Each year the council shall adjust the toxic or hazardous substance list to add or delete substances consistent

with changes in the lists of chemicals established pursuant to sections 101(14) and 102 of CERCLA.

(C) For the calendar year reporting periods 1994 and beyond, the council may add to or delete additional chemicals from the list. No more than ten (10) such chemicals may be added for any one calendar year, and no more than ten (10) such chemicals may be deleted for any one calendar year. The Department and the Department of Public Health shall provide recommendations proposing additions or deletions. The council shall consult with the Institute on any such additions or deletions. Any such change in the list shall require a one hundred eighty-day notice before taking effect. Such chemicals added or deleted by the council shall not be affected by paragraphs a or b of this section.

Section 10. Annual Toxic or Hazardous Substance Reports.

Each large quantity toxics user shall provide to the department for each facility an annual report for each toxic or hazardous substance manufactured, processed, or otherwise used at that facility in amounts equal to or exceeding the applicable threshold amounts. In addition, large quantity toxics users shall submit a report for each toxic or hazardous substance manufactured or processed at that facility in an amount greater than or equal to ten thousand pounds, if the threshold amount as defined in section two for manufacturing or processing that substance exceeds ten thousand pounds. Reporting shall be expressed in terms of the mass of each toxic or hazardous substance manufactured, processed, or otherwise used. In reporting on each such toxic or hazardous substance, the large quantity toxics user shall report the total mass of the substance, whether in a pure form or contained in a mixture, subject to the establishment of *de minimis* levels of chemicals in a mixture by regulation of the department. Such reports for facilities in SIC Codes Twenty through Thirty-nine inclusive shall be submitted to the department on or before July 1, 1991, and annually thereafter on or before July 1. Such reports for facilities in SIC Codes Ten through Fourteen inclusive, Forty, Forty-four through Fifty-one inclusive, Seventy-two, Seventy-three, Seventy-five and Seventy-six shall be submitted to the department on or before July 1, 1992, and annually thereafter on or before July 1. All such reports shall contain data accounting for toxic or hazardous substances manufactured, processed or otherwise used during the preceding calendar year.

(A) The reports shall use reporting forms required by the regulations promulgated pursuant to section 313 of EPCRA. To the extent that information required by this section is not included in such forms, such information shall be submitted on supplemental forms established by the department by regulation promulgated no later than January 1, 1991, and modified thereafter as appropriate.

(B) Each report shall include the following facility information:

(1) The information required to be submitted under regulations promulgated pursuant to section 313 of EPCRA.

(2) The quantities of the toxic or hazardous substance at the facility which are: manufactured; processed; otherwise used; generated as byproduct prior to any handling, transfer, treatment or release; and shipped as or in product from the facility.

(C) (1) Each report shall also include for each production unit at the large quantity toxics user's facility in which the toxic or hazardous substance is manufactured, processed or otherwise used, the following information:

(a) the information necessary to identify the large quantity toxics user, the facility, the production unit and the toxic or hazardous substance;

(b) an indication of whether the toxic or hazardous substance was used in the production unit in amounts (i) greater than zero pounds and less than or equal to five thousand pounds; (ii) greater than five thousand pounds but less than or equal to ten thousand pounds; or (iii) greater than ten thousand pounds.

(c) the reporting base year, which shall be the later of (i) the first calendar year for which the large quantity toxics user was or is required to file any information regarding the toxic or hazardous substance pursuant to this chapter or Section 313 of EPCRA or (ii) the first year for which the large quantity toxics user has full information necessary to document the information required under this subsection.

(d) a byproduct reduction index which shall be a number that is the result of the following equation: one hundred times ((A less B) divided by A), where A represents the quantity of toxics generated as byproduct per unit of product produced in the reporting base year, and B represents the quantity of toxics generated as byproduct per unit of product produced in the current reporting year.

(e) an emissions reduction index which shall be a number that is the result of the following equation: one hundred times ((A less B) divided by A), where A represents the quantity of emissions attributable to the production unit per unit of product produced in the reporting base year, and B represents the quantity of emissions attributable to the production unit per unit of product produced in the current reporting year.

(f) a matrix form on which the large quantity toxics user indicates the methods by which the increase in the byproduct reduction index was achieved for each production operation during the reporting year. On the horizontal axis of the matrix shall be listed the toxics use reduction techniques of: input substitution, product reformulation, production unit redesign, production unit modernization, improved operation and maintenance of production units, and recycling or reuse which is integral to the production unit, and the management technique of using byproduct as product. On the vertical axis of the matrix shall be listed: materials handling and storage, processing operations, and finished goods handling. The large quantity toxics user shall mark the intersection of a production operation row and a reduction or management technique column if during the reporting year implementation of that technique for that operation accounted for an increase of five or

more points in the byproduct reduction index. In addition, the matrix shall contain another column listed "miscellaneous" on the horizontal axis. The large quantity toxics user shall mark the intersection of a product operation row and the miscellaneous column if during the reporting year implementation of two or more of the reduction or management techniques not otherwise marked for that row, together account for an increase of five or more points in the byproduct reduction index.

(2) For the information submitted under this subsection the large quantity toxics user shall maintain at the facility documentation which is necessary to substantiate the information submitted, including, but not limited to, documentation of the quantity of the toxic or hazardous substance used in each production unit and the quantity generated as byproduct by each production unit.

(D) (1) The following shall be exempted from the reporting requirements of this section:

(a) facilities with fewer than the equivalent of ten full-time employees;

(b) activities in laboratories, including quality control laboratories, to the extent and in the manner such activities are exempted from reporting in regulations promulgated pursuant to section 313 of EPCRA.

(2) The following shall be exempted from the reporting requirements of subsection (C) of this section:

(a) pilot plants and pilot production units;

(b) start-up production units for a time period equal to the shorter of either the time period from the date of initial operation until required operational efficiency is achieved, or two years from the date of initial operation.

(3) Facilities claiming the exemptions provided for in this subsection shall maintain on-site documentation supporting all exemption claims.

(E) In calculating, measuring, or estimating quantities of a toxic or hazardous substance to be reported under this section, large quantity toxics users shall report with the maximum accuracy that is feasible and practicable. Large quantity toxics users shall report quantities with accuracy to two significant digits.

(F) If the department discovers a deficiency in a report, the department shall allow the user ninety days from the date of notice of the deficiency to correct the deficiency unless the deficiency was intentional.

(G) A senior management official shall sign each report certifying its accuracy and completeness.

(H) The department shall make available and, to the extent practicable, shall require, reporting and recording of the report data via magnetic media.

(I) Pursuant to and consistent with the authority established under section fourteen, the department may require that small quantity toxics users in user segments designated as priority segments pursuant to that section, comply with part or all of the reporting requirements applicable to large quantity toxics users pursuant to this section.

(J) Any toxic user required to file a report with the United States Environmental Protection Agency pursuant to section 313 of EPCRA during the year 1990 shall file a copy of such report with the department on or before July 1, 1990.

Section 11. Toxics Use Reduction Plans.

(A) (1) Large quantity toxics users shall by July 1, 1994, or by July 1 of the first subsequent year in which a report pursuant to section ten is required, prepare and complete a toxics use reduction plan for each facility for which they are required to file a report in that year. The department shall, by January 1, 1991, specify criteria for acceptable plans according to the requirements of this section. In preparing plans, large quantity toxics users shall comply with the requirements of this section for those toxic or hazardous substances for which they are required to file reports for the previous calendar year.

(2) The plan shall include:

(a) a statement of facility-wide management policy regarding toxics use reduction; and

(b) a statement of the scope and objectives of the plan, including the planned reductions in facility-wide use and byproduct generation from the relevant base year for each covered toxic or hazardous substance during the next two years and during the next five years. The relevant base year shall be established in accordance with subsection (C)(l)(c) of section ten.

(3) The plan shall include for each production unit in which a covered toxic or hazardous substance is manufactured, processed or otherwise used:

(a) a comprehensive economic and technical evaluation of appropriate technologies, procedures and training programs for potentially achieving toxics use reduction for each covered toxic or hazardous substance;

(b) an analysis of current and projected toxics use, byproduct generation, and emissions;

(c) an evaluation of the types and amounts of covered toxic or hazardous substances used;

(d) an identification of the economic impacts of the use of each covered toxic or hazardous substance in the production unit, including, but not limited to, raw material and byproduct storage and handling costs, potential liability costs, and costs associated with regulation;

(e) an identification of each technology, procedure or training program to be implemented for the purposes of achieving toxics use reduction, the anticipated costs of implementation of each, and the anticipated savings expected due to each;

(f) a schedule for implementation of such technologies, procedures and training programs;

(g) for each covered toxic or hazardous substance a two-year and a five-year goal for the byproduct reduction index reported pursuant to section ten.

(B) Each toxics use reduction plan must be certified by a toxics use reduction planner as meeting the department's criteria for acceptable plans.

(C) Large quantity toxics users shall keep plans for a facility on the premises of that facility, and shall make them available on the premises to the department upon request.

(D) Large quantity toxics users shall update and recertify plans every two years by July 1 of the applicable year.

(E) Six months prior to the date when the initial plan or an update must be completed, each large quantity toxics user shall notify all of its employees of the requirements for the plan or update, identify the toxic or hazardous substances and production units for which a plan or update will be submitted, provide the criteria for plans specified by the department and solicit in the notice comments or suggestions from all employees on toxics use reduction options.

(F) Large quantity toxics users shall file a plan summary with the department on or before July 1 of the applicable year. Such summary shall include:

(1) a copy of the plan certification by a toxics use reduction planner.

(2) the goals contained in the plan as specified by subsections (A)(2)(b) and (A)(3)(g).

(3) for each production unit in which a covered toxic or hazardous substance is manufactured, processed or otherwise used, a matrix of the form required to be submitted pursuant to section ten. In completing the matrix, the large quantity toxics user shall mark the intersection of a production operation row and a technique column if the large quantity toxics user anticipates that during the next five years implementation of that technique for that operation is expected to account for an increase of five or more points in the byproduct reduction index for one or more covered toxic or hazardous substances.

(G) Pursuant to the authority established under section fourteen, the department may require that small quantity toxics users in user segments designated as priority segments pursuant to that section, must comply with part or all of the planning requirements applicable to large quantity toxics users established in this section.

(H) If the Department determines the plan or a plan summary is not in compliance with the requirements of this section, the Department shall allow the large quantity toxics user ninety days from the date of the notice of the deficiency to correct the deficiency unless the deficiency was intentional.

Section 12. Toxics Use Reduction Planners.

(A) In order to be a certified toxics use reduction planner, an individual must either (1) have satisfactorily completed a toxics use reduction planning program, developed pursuant to section six (E) of this chapter, and passed a uniform certification examination which the department shall prepare by January 1, 1992 and modify thereafter as appropriate, or (2) have at least two years of work experience in toxics use reduction activities. The department shall by January 1, 1991, after consultation with the Institute and the office, promulgate regulations implementing the requirements of this section.

(B) Any individual who satisfies the requirement of at least two years of work experience in toxics use reduction activities, but who has not satisfactorily completed a toxics use reduction planning program and passed the uniform certification examination, shall only be certified as a toxics use reduction planner to engage in toxics use reduction activities in the facilities owned or operated by his employer.

(C) Certification shall be for not more than two years and shall be renewable for additional two year periods. For a certification to be renewed, a toxics use reduction planner must successfully complete continuing education instruction in toxics use reduction activities.

(D) The department may establish a fee to be assessed on any individual when such individual receives or renews his certification as a toxics use reduction planner pursuant to this section. Any such fees shall be deposited in the toxics use reduction fund established pursuant to section two K of chapter twenty-nine of the General Laws.

(E) Certification may be suspended or revoked by the department based on a finding of fraud, gross negligence in the certification of toxics use reduction plans, or other good cause.

Section 13. Statewide Reduction Goal.

(A) The goal of the commonwealth is to achieve by 1997, through toxics use reduction, a fifty percent (50%) reduction from 1987 quantities of toxic or hazardous byproducts generated by industry in the commonwealth of Massachusetts.

(B) The department shall compile annually the goals of all reduction plans submitted by toxics users. By January 1, 1995, the department shall complete a report comparing large quantity toxics user goals to the statewide goal and file a copy of the report with the council, the clerk of the Senate, the clerk of the House of Representatives, and the Joint Committee on Natural Resources and Agriculture.

Section 14. Prioritization of User Segments.

(A) Beginning on July 1, 1995, the council shall identify by regulation user segments which it considers to be priorities for achieving toxics use reduction, based on recommendations from the department and the office, and in consultation with the Institute. User segments shall include similar production units in all facilities regardless of threshold amounts. Important considerations for identifying priority user segments shall include:

(1) amounts of toxic or hazardous substances used by the user segment in the production units of concern and their toxicity;

(2) amounts of toxic or hazardous substances disposed of, discharged, or released to water, land, air or workplaces within facilities;

(3) the potential for current and future toxics use reduction and the technical and economic feasibility of such reduction;

(4) the need for improvement by the user segment in its toxics use reduction

efforts; and

(5) the social, health, and economic benefits and costs to the commonwealth, its political subdivisions, workers, and large quantity and small quantity toxics users.

Consideration shall be given to the adequacy of the state's resources to effectively implement the prioritization of a user segment under subsections (D), (E) and (F).

(B) The council may designate no more than three priority user segments in any calendar year. There shall be at no time more than fifteen priority user segments.

(C) A priority designation shall expire upon the date five years after designation. Priority designation may be renewed in the manner set forth in subsection (A). Upon expiration of a priority designation, a toxics user in the user segment shall no longer be treated as being within a priority user segment for purposes of this chapter, except that applicable performance standards issued for the user segment or a specific toxics user shall remain in effect.

(D) Results of prioritization include:

(1) The department may refer toxics users in priority user segments to the office for assistance in achieving toxics use reduction;

(2) For toxics users in a priority user segment, the department may require one or more of the following:

(i) For facilities with fewer than the equivalent of ten full-time employees, reporting and planning on the priority production unit consistent with the requirements of sections ten and eleven;

(ii) For facilities that manufacture or process between ten thousand and twenty-five thousand pounds of a toxic or hazardous substance used in a priority production unit, reporting and planning on the priority production unit consistent with the requirements of sections ten and eleven, regardless of the number of employees;

(iii) For facilities that manufacture, process, or otherwise use under ten thousand pounds of a toxic or hazardous substance in a priority production unit, reporting the quantity of the substance manufactured, processed or otherwise used in that production unit in excess of a threshold established by the department, and maintaining back-up information for that quantity, regardless of the number of employees. In addition, the toxics user shall maintain and make available to the department on-site the quantity of that substance generated as byproduct per unit of product for that production unit for each applicable reporting calendar year.

E. Facilities within a priority user segment may apply for toxics use reduction waivers pursuant to section seventeen.

F. The department may set performance standards for priority user segments pursuant to section fifteen.

Section 15. Performance Standards.

(A) The department may request authority from the council to establish, by

regulation, a performance standard for a priority user segment on a segment-wide basis. Such authority shall only be granted if:

(1) A majority of toxics users in the user segment fall significantly below regional, national or international achievements of byproduct generated per unit of product based on reasonably proven, public domain technologies and/or industry practices; or

(2) A number of toxics users in the user segment fall significantly below a Massachusetts-based norm for byproduct generated per unit of product based on reasonably proven, public domain technologies and/or industry practices.

(B) Each performance standard issued under subsection (a) of this section shall require large quantity toxics users within the relevant user segment to achieve a level or set of levels of byproducts generated per unit of product. Any such level shall be based on reasonably proven, public domain technologies and/or industry practices applicable to that user segment.

(C) Each performance standard issued under subsection (a) of this section shall specify a reasonable time for compliance, not to exceed three years. Any production unit covered by a performance standard shall come into compliance to the extent economically feasible. The toxics user shall maintain on-site justification for any noncompliance with the standard, or shall apply to the department for a waiver of the standard based on a showing that the standard is not economically feasible for that user.

(D) The department may establish performance standards under this section for a specific toxics user within a priority segment after considering the toxics user's efforts to reduce byproduct and emissions and the potential effectiveness of referral for technical assistance and/or proposing changes in the toxics user's use reduction plan instead of establishing a performance standard, such consideration not being subject to adjudication. A standard shall be set through the issuance of an administrative order applicable to the toxics user, which may require a specified percent reduction of byproduct generated per unit of product which is cost-effective, economically and technically feasible to the toxics user and the technology for which is commercially available to the user segment. Such an administrative order shall specify a reasonable time for compliance. A toxics user for whom a performance standard is set through this administrative order mechanism may appeal said order through the adjudicatory hearing process set forth in chapter thirty A of the General Laws.

(E) Upon the date one year after issuance of a performance standard for a user segment, the department may apply to the council for authority to extend the standard by regulation to small quantity toxics users within the relevant user segment.

(F) A production unit otherwise covered by a performance standard shall be exempt from such standard if compliance would adversely affect the toxics user's ability to produce its product in conformance with product specifications of the

United States Food and Drug Administration, Department of Defense or any other federal agency.

(G) Nothing in this section shall diminish the existing authority of the department pursuant to any statute to establish by regulation, permit, license, or order treatment technology standards, emission or discharge limits, operation and maintenance requirements, or management practices for abating, controlling or preventing a release or threat of release of toxic or hazardous substances to the environment.

Section 16. Improved Enforcement of Toxics Laws.

Except where otherwise specifically provided, whenever it appears to the department that there has been a violation of this chapter, or any regulation or approval issued or adopted hereunder, the department may refer the toxics user to the office for technical assistance, issue administrative orders requiring compliance with the applicable requirement, or issue an administrative penalty pursuant to the provisions of section sixteen of chapter twenty-one A.

Without limiting any other authority available to the department pursuant to any statute, the department may order a toxics user who violates any standard limiting a release of toxic or hazardous substances to the environment, or a threat of such release, to prepare for that production unit at which the violation occurred a toxics use reduction plan certified by a toxics use reduction planner demonstrating maximum toxics use reduction opportunities available to that user, where (i) the violation causes or threatens to cause significant harm to the environment or to public health or safety, or (ii) the toxics user has previously violated any standard limiting a release of toxic or hazardous substances to the environment, or a threat of such release.

Any toxics user in violation of any requirement of this chapter, or any regulation or approval issued or adopted hereunder, may apply to the department for a toxics use reduction waiver pursuant to section seventeen.

Nothing in this section shall in any manner diminish or condition any authority conferred on the department by any other statute.

Section 17. Toxics Use Reduction Waiver.

A toxics user may petition the department for the temporary waiver of any law which the department administers or any regulation adopted by the department if the toxics user proposes to comply with such law or regulation through implementation of a toxics use reduction technique or combination of toxics use reduction techniques in preference to other techniques, or through use of innovative toxics use reduction techniques. By January 1, 1991, the department shall develop regulations governing waiver applications and issuance of waivers.

The department may grant a waiver if the department finds that the following conditions are met:

(A) that the proposed toxics use reduction technique or combination of techniques will be effective in achieving toxics use reduction and will achieve

compliance with toxics laws and regulations within the time period of the waiver; and

(B) that the proposed technique or combination of techniques will not cause or contribute to an unreasonable risk to public health or safety or the environment in their operation, function or malfunction; and

(C) for waivers regarding the use of innovative toxics use reduction techniques, that the proposed technique or combination of techniques ultimately will achieve greater toxics use reduction than currently available toxics use reduction techniques; and

(D) for waivers regarding the use of a toxics use reduction technique or combination of such techniques in preference to other techniques, that the long-term benefit to the environment from the proposed technique or combination of techniques outweighs the benefits to the environment from more prompt compliance through other techniques.

The department shall decide whether or not to issue a waiver within one hundred and twenty calendar days of receiving an application for a waiver.

Any waiver granted shall be for a period not to exceed two years. A toxics user may reapply for a waiver if he has been initially refused, or may apply for an extension of a current waiver. The department shall make decisions on these determinations within sixty calendar days of receiving said applications.

The department shall monitor the implementation and effectiveness of the approved toxics use reduction techniques. If at any time the department finds that the toxics user has not made a good faith effort to implement the approved toxics use reduction techniques or that the application was not made in good faith, the waiver shall be terminated and the toxics user shall have twenty-one calendar days to achieve compliance with the requirements prescribed by the laws and regulations from which the waiver was granted.

For violations which continue beyond the twenty-one day limit the toxics user shall be considered in violation of this chapter and subject to the penalties established in section seventeen.

If at any time the department finds that the toxics user has made a good faith effort to implement the approved toxics use reduction techniques and to maintain compliance with the waiver but finds that implementation of the approved toxics use reduction techniques does not meet the conditions for the issuance of a waiver, then the agency shall suspend or revoke the waiver and the toxics user shall have sixty days to achieve the requirements prescribed by the laws and regulations from which the waiver was granted.

In any event, the toxics user shall eliminate as quickly as possible all unreasonable risks to public health, safety, welfare or the environment.

A toxics user may also request that the department assist it in seeking a waiver from any federal laws or regulations which are administered by the department if the toxics user proposes to comply with such law or regulation through

implementation of a toxics use reduction technique or combination of toxics use reduction techniques in preference to other techniques, or through use of innovative toxics use reduction techniques.

Section 18. Citizen Involvement.

Massachusetts residents may participate in monitoring and enforcement procedures as follows:

(A) The department shall make available for resident review reports which are required under section ten and plan summaries which are required under section eleven; provided, however, that such availability shall be subject to the provisions of section twenty.

(B) Any ten residents living within ten miles of a facility required to prepare a toxics use reduction plan may petition the department for the department to examine the plan, the plan summary and any required back up data and determine their adequacy. The department shall determine whether the plan, plan summary and any required backup data meet the standards established pursuant to this chapter. The department shall report its determination to the petitioners and the toxics user in writing within a reasonable time.

(C) (1) The superior court shall have jurisdiction to enforce the requirements of this chapter in an action brought by any ten residents of the commonwealth against: (1) any toxics user alleged to be in violation of such requirements; or (2) an appropriate official of the commonwealth when there is alleged a failure of that official to perform any act or duty under this chapter which is not discretionary with that official.

(2) No action may be commenced under this subsection against any toxics user alleged to be in violation of the requirements of this chapter prior to sixty days after the date on which the plaintiff gives notice of the alleged violation to the department and the alleged violator. No action may be commenced under this subsection against an owner or operator of a facility alleged to be in violation of such requirements if the department has commenced and is diligently pursuing an administrative order or civil action to enforce the requirement concerned or to impose a civil penalty under this chapter with respect to the violation of such requirement. No action may be commenced under this subsection against an appropriate official of the commonwealth prior to sixty days after the date on which the plaintiff gives notice to said official and the commissioner that the plaintiff will commence the action. Notice under this subsection shall be given in a manner as the department shall prescribe by regulation.

(3) The court, in issuing any final order in any action brought pursuant to this subsection, may award costs of litigation, including reasonable attorney and expert witness fees, to the prevailing or substantially prevailing party other than the commonwealth who advances the purposes of this chapter. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Massachusetts Rules of Civil

Procedure.

Nothing in this subsection shall restrict or expand any right which anyone may have under any federal or state statute or common law to seek enforcement of any requirement or to seek any other relief.

Section 19. Establishment of Toxics Use Fee.

(A) No later than April 1, 1990 the department shall prepare and distribute to all employers in the commonwealth in SIC codes Ten through Fourteen inclusive, Twenty through Forty inclusive, Forty-four through Fifty-one inclusive, Seventy-two, Seventy-three, Seventy-five and Seventy-six a toxics use survey. All such employers shall complete the survey and return it to the department no later than July 1, 1990. The survey shall require each such employer to identify as of January 1, 1990, for each covered facility it owns or operates within the commonwealth, the full-time equivalent number of employees at that facility; and, for each chemical identified in a list of chemicals provided by the department containing chemicals identified in either the list established pursuant to section 313 of EPCRA or the list established pursuant to sections 101(14) and 102 of CERCLA, whether such chemical is manufactured, processed, or otherwise used in such facility and if so, whether the quantity of each such use is below ten thousand pounds, between ten thousand and twenty-five thousand pounds, or over twenty-five thousand pounds. The completeness and accuracy of the employer's response to the survey shall be certified under pains and penalties of perjury by the manager of the facility. The department shall analyze the results of such survey no later than October 1, 1990, and shall recommend to the council any adjustment to the toxics use fee that may be necessary to comply with paragraph (D) of this section.

(B) Any toxic user required to file a report with the United States Environmental Protection Agency pursuant to section 313 of EPCRA during the year 1990 shall file a copy of such report with the department, and shall pay a toxics use fee as set forth in paragraph (C), on or before July 1, 1990.

(C) The toxics use fee shall be initially determined as set forth in this paragraph. The base fee for each facility shall be $500 for facilities at which the equivalent of ten or more, but fewer than fifty, full-time individuals are employed; Seven hundred fifty dollars for facilities at which the equivalent of fifty or more, but fewer than one hundred, full-time individuals are employed; Twelve hundred fifty dollars for facilities at which the full-time equivalent of one hundred or more, but fewer than five hundred, full-time individuals are employed; and Twenty five hundred dollars for facilities at which the equivalent of more than five hundred full-time individuals are employed. The base fee shall be increased by three hundred dollars for each toxic or hazardous substance for which the toxic user is required to file a report pursuant to section nine, provided, that the maximum fee shall be fifteen hundred dollars for facilities at which the equivalent of fifty or more, but fewer than one hundred, full-time individuals are employed; four thousand dollars for facilities at

which the equivalent of one hundred or more, but fewer than five hundred, full-time individuals are employed; and eighty-five hundred dollars for facilities at which the equivalent of more than five hundred full-time individuals are employed.

(D) On or before November 1, 1990, the council shall by regulation adjust the toxics use fee as set forth in this paragraph. If the council projects, on the basis of the survey required pursuant to paragraph (a), that the aggregate assessment of toxics use fees on July 1, 1991 is likely to fall below a lower bound which shall be four million dollars increased by a proportion equal to any increase in the Producer Price Index between July 1, 1989 and July 1, 1991, or above an upper bound which shall be five million, five hundred thousand dollars increased by a proportion equal to any increase in the Producer Price Index between July 1, 1989 and July 1, 1991, the council shall adjust the base fees, additional amount per chemical reported, and maximum fees in direct proportion, to result in a projected aggregate target assessment, which shall be five million dollars increased by a proportion equal to any increase in the Producer Price Index between July 1, 1989 and July 1, 1991. The base fees, additional amount per chemical, and maximum fees shall be adjusted annually to reflect changes in the Producer Price Index. The department shall annually on or before April 1, publish in the Massachusetts register the adjustments to be made for that year.

(E) On or before July 1 of 1991 and each year thereafter, each toxics user filing a report pursuant to this chapter shall pay a toxics use fee determined in accordance with paragraph (d) for each facility for which such a report is filed.

(F) The department shall impose an additional administrative fee for failure to file a complete and accurate survey, or to pay any fee pursuant to this section, in a timely manner. The fee for failure to file the survey shall be no greater than one thousand dollars. Late payment fees shall be twenty percent of the fee otherwise due if payment is made between seven and forty-five days of the date payment is due; fifty percent of the fee otherwise due if payment is made between forty-six and ninety days of the date payment is due, and one hundred percent of the amount otherwise due if payment is not made within ninety days of the date payment is due. Any fee which remains unpaid shall be collectible in judicial proceedings. In addition to any other penalty provided by law in such judicial proceedings, there shall be added to the amount assessed administratively a penalty of one-half of one percent of the amount assessed for each month or fraction thereof during which such failure continues, not exceeding, in the aggregate, twenty-five per cent of such amount.

(G) Any toxics user who employs the equivalent of fewer than one hundred full-time individuals may in instances of severe financial hardship apply on or before May 1 of any year to the secretary of environmental affairs for a waiver of the toxics use fee for that year. The secretary shall notify the department of such application to the department. The secretary may, for good cause shown, waive the fee for that year in whole or in part, or extend the time for paying any part of

the fee. The secretary shall annually report to the council all such waivers granted.

(H) The council shall adopt, and may from time to time amend or repeal, rules and regulations which it deems necessary for the proper administration of this section.

Section 20. Trade Secret Protection.

(A) If a toxics user, required to submit to the department a report, plan summary or other document, believes that disclosing information in that document required by this chapter will reveal a trade secret, he may file with the department a trade secret claim as herein provided. A toxics user making a trade secret claim shall submit two copies of the required document to the department, one with the information for which a trade secret claim is being made which conceals that information, and one in an envelope marked "Confidential" containing the information for which a trade secret claim is being made, which the department, during the pendency of the trade secret claim, shall keep in the secured storage area as referenced in this section. Any toxics user concealing the specific chemical identity of any toxic or hazardous substance shall, in the place on the nonconfidential copy where the chemical identity would normally be included, include the generic class or category of the toxic or hazardous substance.

(B) A toxics user is entitled to conceal information under this section only if such toxics user:

(1) Claims that such information is a trade secret, on the basis of the factors enumerated in subsection (C); and

(2) Includes in the envelope marked "Confidential" an explanation of the reasons why such information is claimed to be a trade secret, based on the factors enumerated in subsection (C), including a specific description of why all such factors apply.

(C) No toxics user required to submit information under this chapter may claim that the information is entitled to protection as a trade secret under this section unless such toxics user shows each of the following:

(1) Such toxics user has not disclosed the information to anyone else, other than a member of a local emergency planning committee as defined by EPCRA, an officer or employee of the United States or a state or local government, an employee of such toxics user, or anyone who is bound by a confidentiality agreement, and such toxics user has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures; and

(2) The information is not required to be disclosed, or otherwise made available to the public under any other federal or state law; and

(3) Disclosure of the information is likely to cause substantial harm to the competitive position of such toxics user.

(D) As soon as practicable after the date of enactment of this chapter, the commissioner shall promulgate regulations to implement this section guided to the extent practicable by comment b to Section 757 of the Restatement of Torts.

(E) Any resident of the commonwealth may petition the commissioner for the disclosure of any information which is claimed as a trade secret under this section by specifying in the petition the information sought to be disclosed. The commissioner may, in the absence of a petition under this subsection, if he has reason to believe that the information concealed may not be a trade secret, initiate a determination to be carried out in accordance with subsection (F).

(F) (1) Within sixty days after the date of receipt of a petition under subsection (E), or upon the initiative of the commissioner, the commissioner shall review the explanation filed by a trade secret claimant under subsection (C) and determine whether the explanation presents assertions which, if true, are sufficient to support a finding that the information concealed is a trade secret.

(2) If the commissioner determines pursuant to subsection (F)(1) that the explanation presents assertions which, if true, are sufficient to support a finding that the information concealed is a trade secret, the commissioner shall, by certified mail, notify the trade secret claimant that he has thirty days to supplement the explanation with detailed information to support a finding that the information concealed is a trade secret.

(3) If the commissioner determines, after receipt of any supplemental supporting detailed information under subsection (F)(2), that the information concealed is a trade secret, the commissioner shall, by certified mail, so notify the trade secret claimant and the petitioner, if any. The petitioner, if any, may within thirty days seek judicial review of the determination. The commissioner shall after final adjudication immediately return to the trade secret claimant all supplemental supporting detailed information submitted concerning the validity of the trade secret claim. All such information shall be kept in the secure storage area pursuant to this section while the claim is pending. The petitioner, if any, shall not be permitted to have access, except as approved by the court. In entering any order approving access by the petitioner, the court shall consider the need for the entry of an appropriate protective order restricting the use or further disclosure of the confidential information.

(4) If the commissioner determines, after receipt of any supplemental supporting detailed information under subsection (F)(2), that the concealed information is not a trade secret, the commissioner shall, by certified mail, notify the trade secret claimant. The trade secret claimant may within thirty days request an adjudicatory hearing on the commissioner's determination. A timely request for an adjudicatory hearing under this subsection shall act as an automatic stay of the commissioner's determination pending completion of the adjudicatory hearing. A trade secret claimant aggrieved by the department's final decision upon said adjudicatory hearing may within thirty days seek judicial review pursuant to section fourteen of chapter thirty A, during which time the information shall remain confidential. Any court in considering a motion for a temporary restraining order or preliminary injunction to enjoin release of such information shall presume that release would

cause irreparable harm to the trade secret claimant.

(5) If the commissioner determines pursuant to subsection (F)(1) that the explanation presents insufficient assertions to support a finding that the information concealed is a trade secret, the commissioner shall, by certified mail, notify the trade secret claimant that he shall have thirty days in which to request an adjudicatory hearing, or, upon a showing of good cause, to amend the original explanation by providing supplemental assertions to support the trade secret claim.

(6) If the commissioner does not reverse or modify his determination under subsection (F)(1) after an adjudicatory hearing or an examination of any supplemental assertions under subsection (F)(5), the commissioner shall, by certified mail, so notify the trade secret claimant and the trade secret claimant shall have thirty days in which to file for judicial review of the determination. A trade secret claimant aggrieved by the commissioner's final decision may within thirty days seek judicial review pursuant to section fourteen of chapter thirty A, during which time the information shall remain confidential. Any court in considering a motion for a temporary restraining order or preliminary injunction to enjoin release of such information shall presume that release would cause irreparable harm to the trade secret claimant.

(7) If the commissioner reverses or modifies his determination under subsection (F)(1) after an appeal or an examination of any supplemental assertions under subsection (F)(5), the procedures under subsections (F)(2) through (F)(4) shall apply.

(G) Information certified to by an appropriate official of the United States as necessarily kept secret for national defense purposes shall be accorded the full protections against disclosure as specified by such officials in accordance with the law of the United States.

(H) Anyone who is not authorized to have access to, or who is not authorized to disclose information submitted to the department under the authority of this chapter, but who knowingly and willfully uses, divulges or discloses to anyone else such information in a manner not authorized by this chapter, shall be in violation of this chapter and subject to the penalties established in subsection b of section twenty-one of this chapter.

(I) With respect to concealed information for which a trade secret claim has been made but not finally denied the department may;

(1) Use such information, aggregated with other information in such a manner as to maintain the confidentiality of the information claimed to be a trade secret, to carry out responsibilities under this chapter. The department may include such aggregated information in the publicly available database required by this chapter.

(2) Disclose such information when the department is required to do so to comply with federal law or regulation, but only to the extent required by the federal law or regulation, and so long as the department gives notice of the requirement

to the toxics user prior to complying.

(J) The department shall establish and maintain a single secure storage area for confidential materials and information. Materials and information for which trade secret claims have been made and related supporting materials, and information for which such claims have been finally adjudicated in favor of the claimant, shall be kept in the secure storage area and may only be removed in accordance with the provisions of this section. Materials and information for which such claims have been finally adjudicated against the claimant may be permanently removed from the secure storage area.

A chief document control officer designated by the commissioner shall be responsible for controlling access to the secure storage area and its contents. The commissioner may designate no more than five department personnel at any one time as document control officers who may have access to the secure storage area. Personnel and authorized agents of the department who require information contained within the secure storage area for the effective performance of their duties may, upon request to a document control officer, examine documents containing such information within a secure area adjoining the secure storage area. Immediately upon completion of such examination, or at the close of the business day, whichever is first, such personnel shall return the documents to a document control officer for immediate return to the secure storage area. A hearing officer or department counsel in an adjudicatory hearing in which such documents or information are in issue, or other department personnel authorized in writing by the commissioner to do so, may remove such documents from the secure storage area when necessary for preparation and conduct of such adjudicatory hearing or effective performance of their duties, provided that the hearing officer, counsel, or other personnel shall at all times retain control of such documents and information through direct physical observation or deposit in a locked room, file, or other secured area. Immediately upon completion of the hearing or other required use, the documents shall be returned to a document control officer for immediate return to the secure storage area. No copies of such documents or information may be made except by a document control officer. Copies shall be considered equivalent to original documents for purposes of this section. Any notes concerning such information made by department personnel shall be treated as confidential under this section. Department personnel or authorized agents who violate the procedures required by this paragraph shall be subject to disciplinary action. The council shall annually verify the department's compliance with the requirements of this subsection.

(K) The provisions of this section shall not apply to the disclosure of emissions data.

Section 21. Penalties.

(A) Any person who violates any provision of this chapter, or any regulation or approval issued or adopted hereunder, shall be subject to a civil penalty not to

exceed twenty-five thousand dollars per day of such violation, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. This section shall not apply to section nineteen of this chapter.

(B) Any individual or toxics user who wilfully (i) violates any requirement of sections ten or eleven, or any regulation or approval issued or adopted thereunder, or (ii) violates any requirement of section twenty, shall be punished by a fine of not less than two thousand five hundred dollars or more than twenty-five thousand dollars for each violation, or by imprisonment for not more than one year, or by both.

(C) If the commissioner determines that:

(1) (i) an explanation submitted by a trade secret claimant pursuant to section twenty of this chapter presents insufficient assertions to support a finding that the information concealed is a trade secret; or (ii) after receiving supplemental supporting detailed information that the information concealed is not a trade secret; and

(2) that the trade secret claim is frivolous; then the trade secret claimant shall be subject to a civil penalty not to exceed twenty-five thousand dollars per claim. The commissioner may assess the penalty administratively pursuant to section sixteen of chapter twenty-one A of the General Laws or may request the attorney general to bring an action in any court of competent jurisdiction in the commonwealth to assess and collect the penalty.

Section 22. Injunctive Relief.

The attorney general may, upon request of the department, bring action for injunctive relief against any person violating a provision of this chapter or any regulation or approval issued or adopted hereunder, and the superior court in equity shall have jurisdiction to enjoin such violation and to grant such further relief as it may deem appropriate.

Section 23. Protection of Employee Rights.

No employer or duly authorized agent of an employer shall discharge, refuse to hire or in any other manner discriminate against an employee because the employee has exercised a right afforded by this chapter. Any employee of a toxics user claiming to be aggrieved by a violation of this section may initiate proceedings in the superior court department of the trial court for the county in which the alleged violation occurred. An employer found to have violated this paragraph shall be exclusively liable to pay the employee lost wages, shall grant to the employee suitable employment, and shall reimburse such reasonable attorney fees incurred in the protection of rights granted as shall be determined by the court. The court may grant whatever relief it deems necessary to protect rights granted by this section. An employee may not waive rights granted by this section.

SECTION 4. Toxics Use Reduction Fund.

Chapter twenty-nine of the General Laws is hereby amended by inserting after section Two J the following new section:

Section 2K. There shall be established and set up upon the books of the Commonwealth a separate fund to be known as the Toxics Use Reduction Fund. There shall be credited to such fund any amounts collected by the department as fees or penalties pursuant to chapter twenty-one I; any fee, tuition, or other financial charge collected by the Toxics Use Reduction Institute for its programs; any appropriation, grant, gift, or other contribution explicitly made to such fund; and any interest earned on monies within the fund. Amounts credited to such fund shall be used, subject to appropriation, solely for the purposes of carrying out chapter twenty-one I. The governor shall recommend to the legislature the division of such funds among the Administrative Council on Toxics Use Reduction, the Toxics Use Reduction Institute, the Department of Environmental Quality Engineering, the Office of Toxics Use Reduction Assistance and Technology, and other appropriate state agencies in the annual budget message. The administrative council on toxics use reduction shall annually file a report with the house and senate committees on ways and means detailing the manner of expenditure of appropriations from the fund in the preceding fiscal year.

SECTION 5. Notwithstanding any general or special law to the contrary, the toxics use fees established in section nineteen of chapter twenty-one I of the General Laws deposited in the Toxics Use Reduction Fund created by section two K of chapter twenty-nine of the General Laws shall be included as state tax revenues to the commonwealth for the limited purposes of section two of chapter five hundred fifty-five of the acts of 1986.

SECTION 6. The provisions of this act are severable, and if any of its provisions or an application thereof shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

Approved July 24, 1989.

Chapter 266. AN ACT PERMITTING THE LICENSING OF MOTOR VEHICLE RENTAL AGENCIES IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The town of Nantucket is hereby authorized to enact by-laws requiring the annual licensing of motor vehicle rental agencies and the payment fees for such licenses not exceeding one hundred dollars per vehicle; provided, however, no such by-law shall require the payment of a fee for a motor vehicle

upon which an excise has been assessed, levied and paid under the provisions of chapter sixty A of the General Laws by said town.

SECTION 2. The action of the town of Nantucket on article 109 of the warrant for the nineteen hundred and eighty-eight annual meeting taken at the May thirty-first session is hereby validated, ratified and confirmed in all respects as though section one had been in full force and effect at the time of said action.

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

Approved July 24, 1989.

Chapter 267. AN ACT RELATIVE TO STORAGE CHARGES FOR TOWED VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 22D of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 35 and 36, the words "twenty-five dollars" and inserting in place thereof the words:- the maximum rate established by the department of public utilities under authority of section six B of chapter one hundred and fifty-nine B.

SECTION 2. Said section 22D of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 37 and 38, the words "ten dollars for any twenty-four hour period and five dollars for any lesser period" and inserting in place thereof the words:- the maximum rate established under the provisions of section six B of chapter one hundred and fifty-nine B.

SECTION 3. Chapter 159B of the General Laws is hereby amended by striking out section 6B, as so appearing, and inserting in place thereof the following section:-

Section 6B. The department shall establish the maximum charges that may be made by persons subject to the provisions of this chapter for the towing away of motor vehicles, when such towing is ordered by the police or other public authority.

The maximum storage charge for non-commercial passenger motor vehicles with a maximum capacity of nine persons, shall be twenty dollars per twenty-four hour period thereof, when said vehicles have been involuntarily towed or transported pursuant to order of police or other public authority, or pursuant to accident on a public way, pursuant to section thirty-nine A of chapter two hundred and fifty-five, or when said vehicles have been stolen or misappropriated and their removal from public ways has been ordered by police or other public authority, pursuant to section twenty-nine A of chapter two hundred and sixty-six, or in any other situation where motor vehicles have been involuntarily towed or transported by order of police or other pubiic authority and maximum storage charges are

not specifically regulated by law.

The maximum rate established herein, shall apply only to lighted, outside storage facilities enclosed by a secure fence or other secure barrier at least six feet in height. Other outdoor storage facilities shall be entitled to a maximum storage rate of only one-half that established above.

The motor vehicle storage facility shall have a lien for its proper transportation and storage charges due them for the towing, transportation and storage of motor vehicles, pursuant to this section. Said lien may be enforced under the sale provisions of section thirty-nine A of chapter two hundred and fifty-five. Nothing contained in this section shall in any way affect the liability of said motor vehicle storage facilities, nor to limit the maximum recovery of a carrier for his lawful rem oval and transportation charges as established by the department of public utilities and storage charges as established by this section to the value of any vehicle involuntarily removed, transported and stored.

Every person engaged in the towing away of motor vehicles, under this section and section six C, shall annually, on or before March the thirty-first, transmit to the department a financial statement on a form prescribed by the department, reflecting the net profits for the preceding year from such towing operation. A person who fails to make such return, within the time herein provided, shall forfeit twenty-five dollars for each day after March thirty-first that said return is not so filed.

SECTION 4. Section six C of said chapter one hundred and fifty-nine B is hereby repealed.

Approved July 24, 1989.

Chapter 268. AN ACT FURTHER REGULATING MEETINGS AND RECORDS OF THE PAROLE BOARD.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section 172 of chapter 6 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (3) and by inserting in place thereof the following two clauses:-

(3) published records of public court or administrative proceedings, and of public judicial administrative or legislative proceedings; and (4) decisions of the parole board as provided in section one hundred and thirty of chapter one hundred and twenty-seven.

SECTION 2. Section 130 of chapter 127 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence, the following four sentences:- The record of the decision of the board shall contain a summary statement of the case indicating the reasons for said decision. Said

record of decision shall become a public record and shall be available to the public except for such portion thereof which contains information upon which said decision was made which said information the board determines is actually necessary to keep confidential to protect the security of a criminal or civil investigation, to protect anyone from physical harm or to protect the source of any information; provided, however, that it was obtained under a promise of confidentiality. All such confidential information shall be segregated from the record of decision and shall not be available to the public. Said confidential information may remain secret only as long as publication may defeat the lawful purposes of this section for confidentiality hereunder, but no longer.

Approved July 24, 1989.

Chapter 269. **AN ACT RELATIVE TO THE REVIEW OF CIVIL SERVICE EXAMINATION PAPERS BY POLICE OFFICERS AND FIRE FIGHTERS.**

Be it enacted, etc., as follows:

Section 22 of chapter 31 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Except as otherwise provided by sections sixteen and seventeen, an applicant may request the administrator to conduct one or more of the following reviews relating to an examination: (1) a review of the marking of the applicant's answers to essay and multiple choice questions; (2) a review of the marking of the applicant's training and experience; (3) a review of a finding by the administrator that the applicant did not meet the entrance requirements for the examination; provided, however, that the administrator may deny such request in the case of a competitive examination for original appointment if, at the time such request is made, the administrator is currently accepting applications for a subsequent examination of the same type for the same position.

Approved July 24, 1989.

Chapter 270. **AN ACT FURTHER REGULATING CONFIDENTIALITY IN COMMUNICATIONS MADE IN CERTAIN MARITAL AND FAMILY THERAPY.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 135 of chapter 112 of the General Laws, as amended by section 12 of chapter 566 of the acts of 1987, is hereby further amended by striking out clause (g) and inserting in place thereof the following two clauses:-

(g) where the social worker has acquired information while acting as an elder protective services worker for a designated protective services agency as defined in section fourteen of chapter nineteen A and has acquired the information while conducting an assessment in accordance with section eighteen of said chapter nineteen A;

(h) in the case of marital therapy, family therapy or consultation in contemplation of such therapy, with the written consent of each adult patient participant.

SECTION 2. The second paragraph of section 20B of chapter 233 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- This privilege shall apply to patients engaged with a psychotherapist in marital therapy, family therapy, or consultation in contemplation of such therapy.

Approved July 24, 1989.

Chapter 271. AN ACT FURTHER REGULATING HEALTH BENEFITS.

Be it enacted, etc., as follows:

Section 34M of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "insured.", in line 67, the following words:- With respect to such benefits, and to medical coverage contained in section one hundred and thirteen C of chapter one hundred and seventy-five, no insurer shall refuse to pay a bill for medical services submitted by a practitioner registered or licensed under the provisions of chapter one hundred and twelve, if such refusal is based solely on a medical review of the bill or of the medical services underlying the bill, which review was requested or conducted by the insurer, unless the insurer has submitted, for medical review, such bill or claim to at least one practitioner registered or licensed under the same section of chapter one hundred and twelve as the practitioner who submitted the bill for medical services.

Approved July 24, 1989.

Chapter 272. AN ACT RELATIVE TO THE APPOINTMENT OF THE CHIEF OF POLICE IN THE TOWN OF MILTON.

Be it enacted, etc., as follows:

SECTION 1. The position of police chief in the town of Milton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. Notwithstanding the provisions of section ninety-seven of chapter forty-one of the General Laws or any other general or special law to the contrary, upon the occurrence of a vacancy in the office of police chief in the town of Milton, the board of selectmen of said town are empowered to fill such vacancy and all future vacancies by appointment of a police chief under a contract for a term of years not to exceed five years. Such appointment shall be made in accordance with the procedures set forth in the town by-laws. Until the appointment of a police chief in accordance with said procedures, said board of selectmen are empowered to appoint a current sworn member of the police department of said town as acting police chief to fill such vacancy.

SECTION 3. This act shall take effect on February first, nineteen hundred and ninety.

Approved July 24, 1989.

Chapter 273. AN ACT RELATIVE TO RETIREMENT BENEFITS OF CREDIT UNION EMPLOYEES.

Be it enacted, etc., as follows:

Section 31 of chapter 171 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the sixth paragraph the following paragraph:-

Nothing in this section shall prohibit a credit union, with the approval of the commissioner, from contracting with any other provider of retirement plans which are qualified plans under 26 USC 401 for the purpose of providing retirement benefits for eligible employees as provided for by the by-laws of such credit union; provided, however, that such credit union shall file with the commissioner a copy of any such plan, any amendments or revisions thereto and a copy of the annual statement of the provider relative to any such plan.

Approved July 24, 1989.

Chapter 274. AN ACT RELATIVE TO TRANSITORY ACTIONS IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

Section 2 of chapter 223 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place

thereof the following paragraph:-

Except as provided in section twenty-one of chapter two hundred and eighteen, a transitory action in a district court shall be brought in a court in the judicial district where one of the parties lives or has his usual place of business or in a court, the judicial district of which is adjacent to the judicial district where one of the parties lives or has his usual place of business or, if in connection with the commencement of such an action the approval of trustee process is sought, that action shall be brought in a court in the judicial district where one of the parties or any person alleged to be trustee lives or has a usual place of business, or in a court the judicial district of which adjoins the judicial district where one of the parties or one of the alleged trustees lives or has a usual place of business; provided, however, that an action may be brought in the municipal court of the city of Boston as provided in section fifty-four of chapter two hundred and eighteen.

Approved July 24, 1989.

Chapter 275. **AN ACT RELATIVE TO THE CREATION OF A REVOLVING TRUST FUND TO AID IN THE FINANCING OF WATER POLLUTION ABATEMENT PROJECTS.**

Whereas The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a revolving trust fund to aid in the financing of water pollution abatement projects, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

SECTION 1. The general court finds that:

(1) the construction, rehabilitation, operation, and maintenance of modern and efficient wastewater treatment works, water treatment facilities and other water pollution abatement and water supply projects are essential to protecting and improving the water resources of the commonwealth and the public health of its citizens;

(2) the United States, pursuant to the federal "Water Quality Act of 1987" amending the Clean Water Act, requires increased state and local participation in financing the cost of publicly owned treatment works and other water pollution abatement projects;

(3) the creation of a water pollution abatement revolving fund, administered by a board of trustees established as a water pollution abatement trust, will enable the commonwealth to assure maximum participation in federal funding sources under, and to comply with, the Clean Water Act, and will provide increased opportunities for local governmental units in the commonwealth to receive

financial assistance for water pollution abatement projects from the commonwealth beyond that available from the federal government; and

(4) the creation of a water pollution abatement revolving fund, the powers and duties conferred on the board of trustees of the water pollution abatement trust, the state treasurer and the department of environmental quality engineering in this act and the expenditure of public funds as provided in this act are in furtherance of a public purpose and in the best interests of the commonwealth.

SECTION 2. Section 12 of chapter 286 of the acts of 1982 is hereby amended by striking out the last paragraph, added by section 2 of chapter 472 of the acts of 1984, and inserting in place thereof the following paragraph:-

From funds made available pursuant to the provisions of sections twenty-one and twenty-two, the department of environmental quality engineering is authorized to expend a sum, not to exceed one hundred million dollars, for the purposes of making grants to towns, cities, and sewerage districts and to any public entity discharging thereto for the purpose of construction projects to rehabilitate abatement facilities in order to remove infiltration and inflow therefrom; and of making grants to public entities for combined sewer overflow projects or certain other categories of abatement facility construction projects not typically funded by federal grants, identified as such in regulations promulgated by the department, in accordance with a priority system established by regulation. Such grants shall not exceed seventy-five percent of the total eligible costs of such project, as determined by the department. Payments of such grants shall be made in accordance with a payment schedule established by the department with the approval of the secretary of administration and finance. Of said one hundred million dollars the department is authorized to expend such portion of such sum as it deems appropriate and necessary as a grant or grants to the metropolitan district commission, for the purpose of funding a project or projects to study, design, construct, and conduct a program for monitoring, gauging and characterizing flows and volumes of wastewater in the metropolitan district sewer system and systems tributary thereto.

SECTION 3. Chapter 21 of the General Laws is hereby amended by inserting after section 27 the following section:-

Section 27A. (a) The department of environmental quality engineering shall cooperate with the board of trustees of the water pollution abatement trust established by chapter twenty-nine C to achieve the water pollution abatement objectives of the commonwealth intended to be advanced by the trust. As a prior necessary condition to the award of a loan by the trust to a local governmental unit to finance costs of a water pollution abatement project, the board shall receive a certificate issued by the department approving the project and certifying those costs of the project determined by the department to be eligible for assistance from the loan and those costs eligible for financial assistance pursuant to section six of

chapter twenty-nine C. The department may approve a loan for costs of a project not eligible for financial assistance pursuant to section six of chapter twenty-nine C; provided, however, that the total amount of such costs shall not exceed an amount equal to fifteen percent of the total eligible costs. Any project approval by the department may require that financial assistance provided by the trust to a regional local governmental unit shall be allocated and credited to each city or town, or board, commission or agency thereof, which is a member or other service recipient of the regional local governmental unit in accordance with regulations establishing a classification system for project approvals promulgated by the department pursuant to this section. Any project approval by the department may also contain such other conditions and limitations as the division shall deem necessary to implement its powers and prerogatives under this chapter.

(b) Any water pollution abatement project or part thereof shall be eligible for a loan approval if included (i) on the priority lists pursuant to the priority systems under section thirty-three for federal fiscal year nineteen hundred and eighty-nine or any later federal fiscal year or (ii) on the priority list pursuant to the priority system under section thirty A or under section two of chapter four hundred and seventy-two of the acts of nineteen hundred and eighty-four, for the fiscal year of the commonwealth ending June thirtieth, nineteen hundred and eighty-nine or any later commonwealth fiscal year. Any water pollution abatement project listed on the fundable portion of the federal fiscal year nineteen hundred and eighty-eight construction grants priority list shall also be eligible for loan approval for costs of such project not funded from any federal grant. The department, by regulation, may adopt such modifications to the priority systems and the priority lists for purposes of this section as shall be consistent with the loan programs of the trust and necessary to comply with the requirement of law.

(c) The department shall cooperate with the trust in the development of capitalization grant agreements and other agreements for federal capitalization grants under Title VI of the Clean Water Act and may enter into such agreements and other undertakings with the trust and applicable federal agencies as necessary to secure to the commonwealth the benefits of Title VI of the Clean Water Act. The trust and department shall enter into an operating agreement for implementing their respective rights, duties and obligations with respect to the approval of water pollution abatement projects and the costs thereof and the award of loans and grants to finance such costs under chapter twenty-nine C, this section and section thirty-three E. The operating agreement shall provide that the board shall award a loan to a local governmental unit to finance all eligible costs of any water pollution abatement project approved by the department and not otherwise provided for by a grant awarded by the department.

(d) The department shall have and shall exercise all powers and duties otherwise conferred upon the division by law with respect to the regulation and supervision of water pollution control abatement projects in the commonwealth,

which powers and duties shall in no respect be diminished by this section or chapter twenty-nine C. Regulations, procedures and guidelines shall be promulgated by the department for the efficient administration of its regulatory and supervisory powers in respect of the approvals and prerogatives reserved to the department concerning water pollution abatement projects for which loans are requested from the trust. Such regulations, procedures and guidelines shall include, without limitation, (1) provisions for priority systems, priority lists and the determination of eligible project costs; (2) establishment of a classification system taking into account the financial capability of the respective responsible local governmental units and, in the case of regional local governmental units, each city, town or other service recipient thereof; (3) in cooperation with the secretary of environmental affairs, such modifications to rules and regulations under sections sixty-two to sixty-two H, inclusive, of chapter thirty as may be necessary to comply with federal law applicable to projects and loan approvals; and, (4) notwithstanding any provision of special law to the contrary, provisions for compliance by local governmental units with regulatory requirements in the construction and operation of projects. Regulations adopted pursuant to clause (4) shall include, without limitation, requirements that (a) applicants for such assistance must demonstrate that these projects are consistent with existing state, regional and local water resource and wastewater planning requirements including but not limited to (1) river basin water quality plans pursuant to section 303(e) Federal Clean Water Act; (2) nonpoint source management plans pursuant to section 319, Federal Clean Water Act; (3) estuaries management plans pursuant to section 320 of the Federal Clean Water Act; (4) local water resource management plans pursuant to regulations of the water resources commission; (5) water emergency planning pursuant to chapter twenty-one G. Applicants shall certify that land use and other controls in place are consistent with the wastewater system service populations projected in the applicants facilities plan. Failure by any public entity to implement and conform with the land use and other controls upon which such certification is based and over which it has direct authority, including without limitation issuance of permits or approvals not in conformity with such controls, failure to enforce such controls, or revision of such controls without making appropriate compensation for any increased wastewater flows, shall be violations of this chapter, and the department may take enforcement action pursuant to sections forty-two, forty-four, and forty-six. In promulgating regulations under this section and approving any loan by the trust, the department shall also take into account any financial assistance provided by the local governmental unit under section thirty-three E and the regulations of the department thereunder. Regulations, procedures and guidelines respecting the financial capability of responsible local governmental units, and cities, towns and other service recipients thereof, shall be adopted by the department jointly with the secretary of administration and finance, in consultation with the Massachusetts Municipal Association. All such rules, regu-

lations, and guidelines shall be adopted in full compliance with chapter thirty A.

(e) The department shall utilize the priority systems and priority lists as the basis for selecting projects for eligibility for loan approval. Regulations for determination of eligible project costs shall be used for purposes of approval of project cost eligibility for loans by the trust. Regulations adopted in consultation with the department of revenue relative to the financial capability of local governmental units shall be used to certify to the trust the structure and terms of financial assistance applying to loan interest payments which may be available from the trust pursuant to section six of chapter twenty-nine C and in the determination of the terms and conditions of grants made by the department pursuant to section thirty-three E.

(f) The department may by regulation establish different levels of subsidy available for projects eligible under each of the priority list.

(g) All terms defined in chapter twenty-nine C shall have the same meanings in this section as are defined in said chapter twenty-nine C, unless the context otherwise requires.

SECTION 4. The first paragraph of section 30A of chapter 21 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The division shall not award a grant under this section to a public entity which has accepted another such grant within the previous year, unless the division determines, in accordance with the priority system and list for a given fiscal year, that all other projects which are ready to proceed have been brought to the fundable list for such fiscal year.

SECTION 5. Said chapter 21 is hereby further amended by striking out section 33D, as so appearing, and inserting in place thereof the following two sections:-

Section 33D. In order to prevent or reduce discharges to the waters of the commonwealth or to implement comprehensive basin or regional plans approved by the division of water pollution control, the director of the division may order the appropriate municipalities, districts and other competent public entities to construct the necessary facilities for which financial assistance has been authorized under chapter twenty-nine C or for which construction grants are authorized under section thirty-three or section thirty-three E in accordance with timetables for compliance specified in the orders.

Section 33E. The department of environmental quality engineering may make a grant to a local governmental unit as defined in chapter twenty-nine C for the eligible costs of planning, design or construction of water pollution abatement projects eligible for financial assistance under section six of said chapter twenty-nine C. The department may award grants for such projects in accordance with regulations of the department promulgated pursuant to section twenty-seven A, in amounts which, when added to the financial assistance provided by the local governmental unit, or each city, town or other public body which is a member or

other service recipient thereof, under the provisions of section six of chapter twenty-nine C, will result in total financial assistance provided to or for the benefit of such local governmental unit, city, town or other public body, as determined by the department equivalent to a grant of up to seventy-five percent of the eligible costs of such projects. Payments of financial assistance by the commonwealth pursuant to this section shall be made in accordance with a payment schedule established by the department with the approval of the secretary of administration and finance and may, at the department's direction, be applied to the reduction of the principal balance of loans to the local governmental unit made or approved under said chapter twenty-nine C.

SECTION 6. Chapter 28 of the General Laws is hereby amended by adding the following four sections:-

Section 7. (a) The secretary of environmental affairs shall establish a program to assist the commonwealth in the acquisition of watershed preservation restrictions, as defined in section thirty-one of chapter one hundred and eighty-four, for land classified as watershed land as defined in regulations to be promulgated by the metropolitan district commission.

(b) The commissioner of the metropolitan district commission may from funds appropriated to carry out the provisions of this section, or received from other sources, pay the owner of watershed lands which he determines to be beneficial to the maintenance of the water supply of the commonwealth an amount determined to be equitable but not to exceed the difference between the fair market value of such land and the fair market value of such land restricted for watershed purposes pursuant to this section. Title to such watershed preservation restrictions shall be held in the name of the commonwealth; provided, however, that a city or town in which such land is located, which provides assistance satisfactory to the commissioner of the metropolitan district commission, including but not limited to providing of funds or portions thereof toward the purchase of such restriction, the providing of legal services and the enforcement of the preservation restriction, shall hold title to such restrictions jointly with the commonwealth.

(c) Watershed preservation restriction projects shall be administered by conservation commissions in cities and towns in which such commissions have been established, or in a city, by the city council or its delegated agency subject to the provisions of the city charter, or in a town, by the board of selectmen or its delegated agency. Said commissioner of the metropolitan district commission, subject to the approval of the secretary of environmental affairs, shall establish procedures for the management of such programs.

Section 8. There is hereby created a watershed lands preservation committee in the metropolitan district commission, the members of which shall be the commissioner of the metropolitan district commission, the secretary of environmental affairs, the director of the Massachusetts Water Resources Authority, the commissioner of the department of environmental management, the director of the

division of water supply in the department of environmental quality engineering, one member appointed by the speaker of the house, one member appointed by the president of the senate, and two members appointed by the governor, one of whom shall represent an organization dedicated to conservation of natural resources and one of whom shall have expertise in the field of hydrology. The committee shall advise the commissioner of the metropolitan district commission on the evaluation of projects and shall advise the commissioner on any rules or regulations necessary to carry out the intent of the watershed preservation restriction program.

Section 9. The commissioner of the metropolitan district commission shall prepare an annual report on the watershed preservation restriction program. Such report shall include the number and geographic distribution of applicants accepted and rejected, the acreage and cost of purchase and such other information as will enable evaluation of the program.

Section 10. Land under watershed preservation restriction, while remaining under such restriction, shall be assessed for general tax purposes, to reflect the diminution of land value which may be caused by such watershed preservation restriction.

SECTION 7. Chapter 29 of the General Laws is hereby amended by inserting after section 2K the following section:-

Section 2L. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Water Pollution Abatement Revolving Fund, consisting of amounts credited to the fund in accordance with chapter twenty-nine C. The fund shall be administered in accordance with the provisions of said chapter twenty-nine C by the board of trustees of the water pollution abatement trust created thereunder and shall be held in trust exclusively for the purposes and the beneficiaries described therein. The state treasurer shall be treasurer-custodian of the fund and shall have the custody of its monies and securities.

SECTION 8. The General Laws are hereby further amended by inserting after chapter 29B the following chapter:-

CHAPTER 29C.
WATER POLLUTION ABATEMENT REVOLVING LOAN PROGRAM.

Section 1. As used in this chapter, the following words shall have, unless the context clearly indicates otherwise, the following meanings:

"Board", the board of trustees of the water pollution abatement trust.

"Bond act", any general or special law authorizing a local governmental unit to incur indebtedness for all or any part of the cost of a water pollution abatement project.

"Bonds", bonds, notes or other evidence of indebtedness of the trust.

"Cost", as applied to any water pollution abatement project, any or all costs, whenever incurred, approved by the department in accordance with section twenty-seven A of chapter twenty-one, of carrying out a project including, without limiting the generality of the foregoing, costs for planning, preparation of studies and surveys, design, construction, expansion, facilities, improvement and rehabilitation, acquisition of real property, personal property, materials, machinery or equipment, start-up costs, demolitions and relocations, reasonable reserves and working capital, administrative, legal and financing expenses, and other expenses necessary or incidental to the aforesaid.

"Clean Water Act", the Federal Water Pollution Control Act, Public Law 92-500, 33 USC, Secs. 1251 et seq.

"Department", the department of environmental quality engineering.

"Fund", the Water Pollution Abatement Revolving Fund, established pursuant to the provisions of section two L of chapter twenty-nine.

"General revenues", when used with reference to a local governmental unit, revenues, receipts, assessments and other monies of a local governmental unit, and all rights to receive the same including without limitation (i) revenue as defined in section one of chapter forty-four, (ii) local system revenues, (iii) assessments upon or payments received from any other local governmental unit which is a member or service recipient of the local governmental unit, (iv) proceeds of loans made in accordance with this chapter and of grants made in accordance with section thirty-three E of chapter twenty-one, (v) investment earnings, (vi) reserves for debt service or other capital or current expenses, (vii) receipts from any tax, excise or fee all or a part of the receipts of which are payable or distributable to or for the account of the local governmental unit, (viii) local aid distributions and (ix) receipts, distributions, reimbursements and other assistance from the United States; provided, however, that local general revenues shall not include any monies restricted by law to specific statutorily defined purposes inconsistent with their treatment as general revenues for purposes of this chapter.

"Loan", any form of financial assistance subject to repayment which is provided by the trust to a local governmental unit for all or any part of the cost of a water pollution abatement project. A loan may (i) provide for planning, construction, bridge or permanent financing, (ii) be disbursed in anticipation of reimbursement for or direct payment of costs of a project or take the form of a guarantee, line of credit or other form of financial assistance, and (iii) may be issued at such rate or rates of interest, including without limitation variable rates and zero interest, may mature at such time or times and be redeemable at the option of the board or the local governmental unit, all as may be determined in accordance with this chapter.

"Loan agreement", any agreement entered into between the trust and a local governmental unit pertaining to a loan or local governmental obligations. A loan agreement may contain, in addition to financial terms, provisions relating to the regulation and supervision of a water pollution abatement project or the wastewa-

ter system of which it is a part, to which provisions the department may join as a party to the agreement as authorized in section twenty-seven A of chapter twenty-one. The term "loan agreement" shall include, without limitation, a loan agreement, trust agreement, trust indenture, security agreement, reimbursement agreement, guarantee agreement, bond or note resolution, loan order or similar instrument.

"Local aid distributions", any receipts, distributions, reimbursements or other assistance payable by the commonwealth to or for the account of a local governmental unit including, without limitation, payments under sections eighteen A, eighteen B, eighteen C, eighteen D and eighteen E of chapter fifty-eight and under any other local reimbursement or assistance program described in section twenty-five A of said chapter fifty-eight.

"Local government obligations or local governmental obligations", bonds, notes or other evidence of indebtedness issued by a local government unit to evidence a loan.

"Local government unit or local governmental unit", any town, city, district, commission, agency, authority, board or other instrumentality of the commonwealth or of any of its political subdivisions, including any regional local governmental unit, which is responsible for the ownership or operation of a water pollution abatement project and is authorized by a bond act to finance all or any part of the cost thereof through the issue of bonds.

"Local system revenues", all rates, rents, fees, assessments, charges and other receipts derived or to be derived by a local governmental unit from any water pollution abatement projects, any system of which such projects are a part and any other revenue producing facilities under its ownership or control, or from the services provided thereby, including without limitation proceeds of grants, gifts, appropriations and loans, including the proceeds of loans or grants made by the trust or the department, investment earnings, reserves for capital and current expenses, proceeds of insurance or condemnation and the sale or other disposition of property; provided, however, that local system revenues shall not include any ad valorem taxes levied directly by the local governmental unit on any real and personal property.

"Regional local governmental unit", a local government unit which provides wastewater collection or treatment services either on a wholesale or retail basis to service recipients in two or more cities or towns, or designated parts thereof, and which derives all or part of its general revenues or local system revenues by assessment or other charge on such cities or towns.

"Revenues", when used with reference to the trust, any receipts, fees, revenues or other payments received or to be received by the trust, including without limitation receipts and other payments received by or deposited in the fund, payments of principal, interest or other charges on loans, grants, appropriations or other assistance from the commonwealth or the United States or any political subdivision or instrumentality of either, investment earnings on its funds and

accounts including without limitation the fund, and any other fees, charges or other income received or receivable by the trust or the fund.

"Trust", the water pollution abatement trust established by this chapter.

"Trust agreement", any agreement entered into by the board providing for the issuance, security and payment of bonds. The term "trust agreement" shall include a trust agreement, trust indenture, security agreement, reimbursement agreement, currency or interest rate exchange agreement, bond or note resolution or other similar instrument.

"Water pollution abatement project", any abatement facilities, including without limitation rehabilitation of abatement facilities to remove, curtail or otherwise mitigate infiltration and inflow, collection system, treatment works and treatment facilities as defined in section twenty-six A of chapter twenty-one, and any eligible facilities for implementation of a nonpoint source pollution control management program or estuary conservation and management plan pursuant to the Clean Water Act.

Section 2. (a) An unpaid board of trustees consisting of the state treasurer, ex officio, the secretary of the executive office for administration and finance, ex officio, and the commissioner of the department of environmental quality engineering, ex officio, is hereby constituted as a public instrumentality of the commonwealth to be known as the water pollution abatement trust to administer the Water Pollution Abatement Revolving Fund established pursuant to section two L of chapter twenty-nine. The trust is hereby designated as the instrumentality of the commonwealth to establish and administer within the fund the state revolving fund pursuant to Title VI of the Clean Water Act. The exercise by the trust, and by the board of trustees thereof, of the powers conferred by this chapter shall be deemed to be the performance of an essential public function.

(b) The state treasurer shall serve as chairman of the board of trustees of the trust. The board shall annually elect one of its members as vice-chairman. Two members of the board of trustees shall constitute a quorum and the affirmative vote of two trustees shall be necessary and shall suffice for any action taken by the board. Any action of the board may take effect immediately and need not be published or posted unless otherwise provided by law. No vacancy in the membership of the board shall impair the right of a quorum to exercise the powers of the board. Meetings of the board of trustees shall be subject to section eleven A 1/2 of chapter thirty A; provided, however, that the provisions of said section eleven A 1/2 shall not apply to any meeting of trustees in the exercise of their duties as officers of the commonwealth so long as no matters relating to the official business of the trust are discussed and decided at such meeting. The trust shall be subject to all other provisions of said chapter thirty A, and records pertaining to the administration of the trust shall be subject to the provisions of section forty-two of chapter thirty and section ten of chapter sixty-six. The fund and all other monies of the trust shall be deemed to be public funds for purposes of chapter twelve A. The operations of the

trust shall also be subject to the provisions of chapter two hundred and sixty-eight A and chapter two hundred and sixty-eight B to the same extent as the office of the state treasurer.

Section 3. (a) The purposes for which the trust is created and for which the fund shall be received, held, administered and disbursed by the board of trustees shall be the provision of financial assistance, in the manner contemplated by Title VI of the Clean Water Act, to local governmental units as beneficiaries of the trust to finance the costs of water pollution abatement projects as provided in, and as necessary to implement the provisions of, this chapter. In accordance with the terms of any trust agreement entered into by the trust with respect to bonds secured by monies or revenues of the fund, the holders of such bonds also shall be beneficiaries of such trust. The board shall apply and disburse monies and revenues of the fund without appropriation or allotment by the commonwealth.

(b) Without limiting the generality of the foregoing and other powers of the trust, the board of trustees shall have the power:

(i) to adopt and amend by-laws and such rules, regulations and procedures for the conduct of the business of the trust as the board shall deem necessary to carry out the provisions of this chapter;

(ii) to apply for, receive, administer and comply with the conditions and requirements respecting any grant, gift or appropriation of property, services or monies;

(iii) to borrow and repay money by issuing bonds of the trust, to apply the proceeds thereof as provided in this chapter and to pledge or assign or create security interests in the fund and the receipts thereto to secure bonds;

(iv) to make loans to local governmental units to finance costs of water pollution abatement projects, to acquire, hold and sell local governmental obligations evidencing the loans at such prices and in such manner as the board shall deem advisable, and to secure bonds of the trust with local governmental obligations;

(v) to enter into contracts, arrangements and agreements with other persons and execute and deliver all trust agreements, loan agreements and other instruments necessary or convenient to the exercise of the powers of the trust;

(vi) to obtain insurance and enter into agreements of indemnification necessary or convenient to the exercise of the powers of the trust;

(vii) to sue and be sued and to prosecute and defend actions relating to the affairs of the trust and the fund; provided, however, that the trust is not authorized to become a debtor under the United States Bankruptcy Code;

(viii) to engage accounting, management, legal, financial, consulting and other professional services necessary to the conduct of the programs of the trust.

(c) In its administration of the federal state revolving loan program as provided in this chapter, the board of trustees shall comply with applicable federal legal requirements under Title VI of the Clean Water Act. The programs of the trust also

shall be subject to powers and responsibilities expressly reserved to the department under section twenty-seven A of chapter twenty-one. In addition, the trust shall not be authorized or empowered (1) 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 comptroller of the currency or the treasury department of the United States, or (2) 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 or the commonwealth.

Section 4. (a) The board of trustees shall receive in trust, hold, administer and disburse in and from the fund exclusively for the benefit of the beneficiaries thereof the following monies:

(i) notwithstanding the provisions of sections two B and two C of chapter twenty-nine, all federal capitalization grants received under Title VI of the Clean Water Act; provided, however, that the reserve required by section six hundred and four (b) of the Clean Water Act to carry out planning under sections two hundred and five (j) and three hundred and three (e) of said Clean Water Act shall not be so received by the board of trustees, but shall be received and administered by the department subject to section two B of chapter twenty-nine;

(ii) amounts appropriated by the commonwealth to the trust for purposes of the fund;

(iii) proceeds of bonds of the trust to the extent required by the board's resolution for issuance of such bonds or any applicable trust agreement;

(iv) loan repayments and other payments received by the trust in respect of loans to local governmental units;

(v) investment earnings on monies in the fund; and

(vi) any other amounts required to be credited to the fund by any law or by any resolution, loan agreement or trust agreement of the board or which the board shall otherwise determine to deposit therein.

(b) Actions by the board with respect to the fund shall be subject to the requirements of this chapter and applicable provisions of any loan agreement or trust agreement of the trust and, with respect to amounts held therein derived from capitalization grants made under Title VI of the Clean Water Act, to the applicable requirements of federal law. Whenever the board takes discretionary action, it shall be guided by the purpose of best effecting the purposes of this chapter to implement financial assistance in support of water pollution abatement practices consistent with the responsibilities of the trust to its bondholders, local governmental units and other beneficiaries of the trust. The provisions of section six B and sections seven A to seven G, inclusive, of chapter twenty-nine shall not apply to grants received by the trust for purposes of the fund from the United States. The state treasurer shall be the treasurer-custodian of the fund as provided in section two L of said chapter twenty-nine, and, subject to any applicable trust agreement,

the state treasurer is authorized to invest monies held in the fund in such investments as may be legal investments for funds of the commonwealth.

(c) For necessary and convenient administration of the fund, the board shall direct the state treasurer to establish one or more accounts and sub-accounts within the fund as shall be necessary to meet any applicable federal law requirement for segregation of Title VI funds for specified purposes established by federal law or as the board shall otherwise deem necessary or desirable to segregate any monies received or derived from federal capitalization grants under Title VI of the Clean Water Act or any other source from other monies in the fund in order to implement the provisions of this chapter or to comply with any trust agreement. The trust may also establish in any trust agreement or otherwise as the board shall determine one or more other funds and accounts for revenues and other monies of the trust not required to be held in the fund and to apply and disburse such monies and revenues to the purposes of the trust.

(d) Notwithstanding the provisions of section twenty-seven of chapter twenty-one, the board, the state treasurer and the comptroller, with the approval of the governor, shall take all action necessary to transfer to the fund the sum of money constituting the commonwealth's allotment for federal fiscal year nineteen hundred and eighty-nine and each federal fiscal year thereafter for authorizations under Title II of the Clean Water Act; provided, however, that any portion of any allotment which, under the provisions of the Clean Water Act, may not be transferred to or used for the purposes of the fund shall continue to be received and administered by the department in accordance with said chapter twenty-one.

Section 5. Subject to limitations in other law respecting the use of particular monies in the fund and the provisions of any trust agreement for bonds of the trust, the board may apply and disburse monies and revenues of the fund or any segregated account therein:

(i) to make, and enter into binding commitments to make, loans approved by the department under section twenty-seven A of chapter twenty-one to local governmental units for the purpose of financing costs of water pollution abatement projects and to provide for all or any part of the interest costs on loans made by the trust during the construction of such projects;

(ii) to provide reserves for or otherwise secure bonds of the trust and to provide insurance and letters or lines of credit or other credit enhancement which it deems reasonable and appropriate for bonds;

(iii) to transfer for the benefit of the department to apply to the expenses of the department in administering the provisions of section twenty-seven A of chapter twenty-one amounts derived from proceeds of each federal capitalization grant award received by the trust to the full extent permitted by Title VI of the Clean Water Act;

(iv) to provide payment from any available source for reasonable and necessary

professional and financial services incident to the conduct of the programs of the trust, including costs of issuance of its bonds.

Section 6. Subject to limitations in other law respecting the use of particular monies in the fund and the provisions of any trust agreement for bonds of the trust, the board may also apply and disburse monies and revenues in the fund, or any segregated account therein:

(i) after taking account of any grant made by the department pursuant to section thirty-three E of chapter twenty-one, to provide, and enter into binding commitments to provide, a subsidy for, or to otherwise assist local governmental units in the payment of, interest costs on loans made by the trust; and

(ii) to provide reserves for, or to otherwise secure, amounts payable by local governmental units on loans made by the trust in the event of default by a particular local governmental unit or, on a parity basis, by any local governmental unit.

Section 7. The board is authorized and directed to take all necessary or incidental actions to secure for the commonwealth the benefits of Title VI of the Clean Water Act, including exercise of the powers:

(i) to cooperate with appropriate federal agencies in all matters related to the administration of the state revolving loan fund as contemplated by Title VI of the Clean Water Act;

(ii) to prepare in cooperation with the department and submit to the appropriate federal agencies applications for capitalization grants under Title VI of the Clean Water Act and to enter into capitalization grant agreements, operating agreements and other agreements with the United States and the department relating to the purposes of the fund;

(iii) to cooperate with the department in preparing and submitting to the appropriate federal agencies intended use plans identifying the use of capitalization grant awards and other monies in the fund;

(iv) to prepare in cooperation with the department and submit to the appropriate federal agencies, the governor, the department and the clerks of the senate and the house, annual and other reports and audits, in form and content satisfying legal requirements under Title VI of the Clean Water Act, of activities of the board pertaining to the fund;

(v) to establish and collect such fees, charges and interest rates as the board shall determine to be reasonable and to hold, apply and disburse such monies within or without the fund to the implementation of the purposes of this chapter;

(vi) to establish, jointly with the state treasurer, fiscal controls and accounting procedures for the fund and the trust; and

(vii) to adopt after consultation with the department regulations, procedures and guidelines for administration of its loan programs and for maintenance of suitable accounting procedures by local government units for loan proceeds and projects. Such regulations, procedures and guidelines shall be consistent with requirements of Title VI of the Clean Water Act and all applicable rules, regulations,

procedures and guidelines of the department, and may determine, without limitation, the form and content of loan applications, loan agreements and local government obligations.

Section 8. Upon the board's request, the state treasurer shall pay to the trust for deposit in the fund monies appropriated by the commonwealth to the trust for any purposes of the fund or any account therein. The state treasurer, the secretary of the executive office for administration and finance, the department and the trust shall enter into agreements establishing procedures for payment of amounts appropriated by the commonwealth to the trust. An agreement may include such covenants and undertakings of the commonwealth and the trust as the state treasurer, the secretary of the executive office for administration and finance, the department and the board may deem necessary or desirable, including without limitation provision for payments by the commonwealth in anticipation of receipt of federal capitalization grants or the execution and delivery of loan agreements by the trust. Notwithstanding any law to the contrary, unless otherwise specifically provided therein provisions contained in any act enacted by a vote, taken by the yeas and nays of two-thirds of each house of the general court present and voting thereon, and approved by the governor, authorizing the state treasurer to issue bonds or notes of the commonwealth or otherwise authorizing the commonwealth to borrow money for purposes of providing monies to meet any appropriation to the trust for purposes of the fund shall be deemed to authorize the state treasurer, with the approval of the governor, to enter into agreement or agreements with the trust pledging the full faith and credit of the commonwealth to a schedule of payments to the fund of the amounts therein appropriated including without limitation the amount, time and manner of such payments. The agreements of the commonwealth and the rights of the trust thereunder may be assigned and pledged as security for bonds of the trust. No agreement authorized by this section shall supersede or interfere with the exercise of the powers specifically reserved to the department under section twenty-seven A of chapter twenty-one.

Section 9. (a) The board may provide by resolution for the issuance from time to time of bonds for any purpose of the trust, which bonds may be issued as general obligations of the trust or as special obligations payable solely from particular revenues or monies of the trust. The bonds of each issue may be dated, may bear interest at such rate or rates, including rates variable from time to time, and may mature or otherwise be payable or redeemable at such times as the board may determine. The board shall determine the denominations of bonds, the details of their execution and authentication and their places of payment within or without the commonwealth. Prior to initial issuance of each series of bonds the board shall advise the finance advisory board of the terms of the bonds and the timing of their issuance. In case any trustee or officer whose signature appears on any bonds shall cease to be such officer before their delivery, the signature shall nevertheless be valid and sufficient as if the officer had remained in office until delivery. Bonds may

be issued in certificated or uncertificated form, payable to bearer or registered owners, and, if notes, may be made payable to bearer or to order. The board may sell the bonds of the trust at public or private sale at par or for such premium or discount price as it may determine. The aggregate principal amount of bonds of the trust outstanding at any one time shall not exceed the sum of two billion six hundred fifteen million dollars; provided, however, that bonds for the payment or redemption of which refunding bonds shall have been issued shall be excluded from the computation of outstanding bonds. The board may by resolution delegate to any trustee or officer of the trust the power to determine any of the matters set forth in this section.

(b) Bonds of the trust may be secured by a trust agreement between the trust and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, any loan agreements and local governmental obligations, and the revenues, funds and other assets or property held or to be received by the trust, including without limitation all monies and investments on deposit from time to time in the fund or any account thereof 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 trust, and the proceeds thereof. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the remedies by individual bondholders. A trust agreement may also contain covenants of the trust concerning the custody, investment and application of monies, the enforcement of loan agreements and local governmental obligations, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements. At the request of the board, the state treasurer shall and is hereby authorized to join in any trust agreement or to otherwise agree with the trust, any lender or any trustee for bondholders to hold the fund in compliance with any covenants and provisions relating to the fund contained in any trust agreement.

(c) Bonds may be issued by the trust in the form of lines of credit or other banking arrangements under terms and conditions determined by the board. In addition to other lawful security, bonds may be secured, in whole or in part, by financial guarantees, by insurance, by letters or lines of credit or by other credit enhancement issued to the trust or to a trustee or other person, by any bank, trust company, insurance or surety company or other financial institution, within or without the commonwealth; the trust may pledge or assign, in whole or in part, any loan agreements and local governmental obligations and the revenues, funds and other assets and property held or to be received by the trust, 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 trust, and the proceeds thereof, as security for such guarantees or insurance or for the reimbursement to any issuer of a line or letter of credit.

(d) The board may by resolution provide for the issue by the trust of interim receipts or temporary bonds, exchangeable for definitive bonds when the bonds are executed and are available for delivery. The board may also provide for replacement of mutilated, destroyed or lost bonds. The trust may purchase and invite offers to tender for purchase any outstanding bonds; provided, however, that no purchase by the trust shall be made at a price, exclusive of accrued interest, if any, exceeding the bond's principal amount or, if greater, its redemption price when next redeemable at the option of the trust. The trust may resell any bonds it purchases in such manner and for such price as it may determine.

(e) The board may also provide for issue by the trust of temporary notes in anticipation of grants, revenues or appropriations to the fund. The issue of such notes shall be governed by the applicable provisions of this chapter relating to the issue of bonds; provided, however, that notes issued in anticipation of revenues shall mature no later than one year from their respective dates, or the date of expected receipt of such revenues, if later, and notes issued in anticipation of grants shall mature no later than six months after the expected date of receipt of such grant. The board may also issue refunding bonds of the trust for the purpose of paying any bonds at or prior to maturity. Refunding bonds may be issued at any time at or prior to the maturity or redemption or purchase of the refunded bonds. 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, costs of issuance and other expenses and reserves reasonably necessary to achieve the refunding.

(f) Bonds of the trust are (i) securities in which public officers and agencies, insurance companies, financial institutions, investment companies, executors, administrators, trustees and others may properly invest funds including capital within their control, and (ii) securities which may be deposited with any public officer or any agency for any purpose for which the deposit of bonds is authorized by law.

(g) Bonds issued by the trust shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth or of any of its political subdivisions, but shall be payable solely from the revenues and monies of the fund and other monies and rights pledged to their payment. Bonds shall recite that neither the commonwealth nor any political subdivision thereof shall be obligated to pay the same and neither the faith and credit nor the taxing power of the commonwealth or any political subdivision is pledged to their payment. Every bond shall recite whether it is a general obligation of the trust or a special obligation payable solely from particular revenues, funds, assets or other property.

(h) Bonds of the trust shall be deemed to be investment securities under chapter one hundred and six. Bonds, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation by and within the commonwealth. The trust shall not be required to pay any taxes, assessments or excises upon its income, existence, operation, or assets, monies or revenues.

(i) It shall be lawful for any bank or trust company to act as a depository of the fund or trustee under a trust agreement, provided it furnishes indemnification and reasonable security as the board may require. Any assignment or pledge of revenues, funds and other assets and property made by the trust shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter one hundred and six and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the trust shall immediately be subject to the lien of such pledge without any physical delivery or segregation 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 trust, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records of the board and no filing need be made pursuant to said chapter one hundred and six. Any pledge or assignment made by the trust is an exercise of its political and governmental powers, and loan agreements, local governmental obligations, revenues, funds, assets, property and 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 chapter shall not be applied to any purposes not permitted by the pledge or assignment. Any holder of a bond and any trustee under a trust agreement, except to the extent its rights may be restricted by the trust agreement, may bring suit upon the bonds and may pursue any other legal action to protect and enforce its rights and compel performance of all duties required to be performed by the trust and the board.

Section 10. (a) Any local governmental unit may apply to the trust for a loan to finance in whole or in part the cost of a water pollution abatement project and may issue local governmental obligations for delivery to the trust to evidence the loan. Each loan shall be made pursuant to a loan agreement between the trust and the local governmental unit acting by and through the officer or officers, board, committee or other body authorized by law, or otherwise its chief executive officer. The department may join in any loan agreement to effectuate its powers and responsibilities provided in sections twenty-seven A and thirty-three E of chapter twenty-one.

(b) A local government unit may receive, apply, pledge, assign and grant security interests in, its general revenues and local system revenues to secure its

obligations under loans and local governmental obligations as provided in this chapter and may fix, revise, charge and collect fees, rates, rents, assessments and other charges of general or special application for the operation or services of any water pollution abatement project, the system of which it is a part and any other revenue producing facilities from which the local governmental unit derives local system revenues, to meet its obligations under any loan agreement or local governmental obligation or otherwise to provide for the construction, maintenance and operation of the project and the system and facilities.

(c) For entering into a loan and establishing the authorized terms and conditions thereof, and for issuing any local government obligations a local governmental unit shall be deemed to have the powers expressly granted to local governmental units in this chapter and the powers granted to that local governmental unit in any bond act applicable to it specifically or as a member of a class of governmental instrumentalities. Liberal construction shall be given in support of the broadest interpretation of local government unit powers derived from either this chapter or any bond act, provided that nothing in this chapter shall be construed as affecting the manner of voting and other procedures relating to, or otherwise required by any bond act for, the authorization of indebtedness of any local governmental unit by the governing body thereof or any limitations on indebtedness of local governmental units.

(d) If any city or town, or any board, commission, or other public instrumentality thereof or of the commonwealth, which is a service recipient of a regional local governmental unit shall fail to pay when due and after demand any certified charges of the regional local governmental unit required to meet its obligations under this chapter, the regional local governmental unit may certify to the state treasurer the amount owing to the regional local governmental unit by such city, town or other instrumentality and the state treasurer shall promptly pay over to the regional local governmental unit without further appropriation any local aid distributions otherwise certified to the state treasurer as payable to the city or town, or in the case of any other instrumentality, as payable to all cities and towns in the service area of such instrumentality, until such time as any deficiency in the amounts due the regional local governmental unit shall have been offset by such payments from the state treasurer. In the event of a dispute between any city or town and the regional local governmental unit concerning the amount to be repaid to the regional local governmental unit by any city or town said dispute shall be arbitrated by an appeal board consisting of the commissioner of the department of revenue or his designee, the commissioner of the department of environmental quality engineering or his designee, and a third member to be nominated by the Massachusetts Municipal Association. The state treasurer shall not offset any deficiency amount from the local aid distribution due to any city or town unless or until the appeal board has rendered its decision. Any amount paid to such local governmental unit by the treasurer under this section which is later determined,

upon audit, to be in excess of the actual amount due the regional local governmental unit, shall upon demand of the local governmental unit or city or town, be repaid by the regional local governmental unit to the local governmental unit, city or town.

(e) In addition to authority otherwise provided by law, if all or any part of a project shall fail to be approved for financial assistance pursuant to this act, the local governmental unit may apply to the Massachusetts Industrial Finance Agency for a loan to finance all or any part of such project. For such purposes, any local governmental unit as defined in this chapter shall qualify as a public body under section thirty of chapter twenty-three A. The second sentence of paragraph (c) of section thirty-five of said chapter twenty-three A shall not apply to bonds issued by the agency.

Section 11. (a) In addition to other remedies of the trust under any loan agreement, if any local government unit other than a regional local governmental unit shall fail to pay to the trust when due and after demand any principal, interest or other charges payable under a loan or loan agreement, the board after applying to such payment amounts held in the fund pursuant to section six for the account of such local governmental unit, may certify to the state treasurer the amount owing to the trust by said local governmental unit. The state treasurer shall promptly pay over to the trust for deposit in the fund without further appropriation any local aid distributions otherwise certified to the state treasurer as payable to the local governmental unit. Notwithstanding the foregoing, if the local government unit is a regional local governmental unit, and if the board shall have determined (i) that the failure of the regional local government unit to pay to the trust the amount then payable is due to a failure by a city or town or other service recipient of the regional local governmental unit to pay to the regional local governmental unit any assessment or other charge attributable to said loan and (ii) that the regional local governmental unit has failed or refused after demand to exercise the remedies provided in paragraph (d) of section ten of this chapter or any similar provision of law, the board, after applying to such payment amounts held in the fund pursuant to section six for the account of such city, town or other service recipient, may certify to the state treasurer the amount owing the regional governmental unit by that city, town or other service recipient and the same payment procedures shall apply. If the board shall determine that no city, town or other service recipient is in default to the regional local governmental unit, after application by the board to such payment of amounts held in the fund pursuant to section six for the account of the regional local governmental unit pro rata in proportion to the service provided each city, town or other service recipient therein, the state treasurer, under the same procedures, shall pay to the trust any local aid distribution payable to each city and town which is, or the agency, commission or other appointed body of which is, a member or other service recipient of the regional local governmental unit, pro rata in proportion to the service provided such cities and towns. If a local

governmental unit shall fail to pay to the trust any amount payable under a loan or loan agreement and shall also fail to pay any amount due to a regional local governmental unit of which it is a member or service recipient on account of any assessment thereon, local aid distributions available to remedy such failures under this paragraph and under paragraph (d) of section ten of this chapter or any similar provision of law shall be paid to the trust and the regional local governmental unit pro rata in proportion to the amounts due and unpaid. If a governmental unit or a member or other service recipient of a regional local governmental unit is an agency, commission or instrumentality of a city or town or its governing body is appointed by the governing body or chief executive officer of a city or town, payments under this section shall be made from any local aid distributions payable to such city or town. Payment by the state treasurer under this section shall continue to be made until any deficiency in the local governmental unit's payment to the trust shall have been offset by the payments from the state treasurer. In the event of a dispute between any city or town and the regional local governmental unit concerning the amount to be paid to the regional local government unit by any city or town said dispute shall be arbitrated by an appeals board consisting of the commissioner of the department of revenue or his designee, the commissioner of the department of environmental quality engineering or his designee, and a representative nominated by the Massachusetts Municipal Association. Any amount paid to the trust by the state treasurer under this section which is later determined, upon audit, to be in excess of the actual amount due the trust shall, upon demand of the local governmental unit or city or town, be repaid from the fund to the state treasurer.

(b) The trust may also recover from a local governmental unit in an action in superior court any amount due the trust together with any other actual damages the board shall have sustained from the failure or refusal of the local governmental unit to make payments owing to the trust.

Section 12. (a) In order to provide for the collection and enforcement of fees, rates, rents, assessments and other charges for the operation of any water pollution abatement project, the system of which it is a part and any other revenue producing facilities from which the local governmental unit derives local system revenues, in addition to any other authority provided by law or any applicable bond act, local governmental units are hereby granted all the powers and privileges granted to them by the General Laws with respect to any similar fee, rate, rent, assessment or other charge. Without limiting the generality of the foregoing, local governmental units shall have the powers and be subject to the limitations to the extent applicable and consistent with this chapter provided in sections forty-two A to forty-two F, inclusive, of chapter forty, whether or not said sections have been accepted by the local governmental unit, and chapters sixty, eighty and eighty A.

(b) Any local governmental unit may enter into agreements with the trust or the department regarding the operation of a pricing system for the services provided

by any water pollution abatement project, the system of which it is a part and any other revenue producing facilities from which the local governmental unit derives local system revenues. Such agreements may include without limitation provisions defining the costs of such services, the water pollution abatement project and such local system and other facilities, and covenants or agreements regarding the fixing and collection of fees, rates, rents, assessments and other charges for such costs and the maintenance of such pricing system at levels sufficient to pay or provide for all such costs and any payments due the trust under any loan agreement or local governmental obligations.

(c) Any local governmental unit may enter into agreements with the trust and the department regarding the operation of an enterprise fund established for any water pollution abatement project, the system of which it is a part and any other revenue producing facilities from which the local governmental unit derives local system revenues. Such agreements may include without limitation fiscal and accounting controls and procedures, provisions regarding the custody, safeguarding and investment of local system revenues and other amounts credited thereto, the establishment of reserves and other accounts and funds and the application of any surplus funds.

(d) Any local governmental unit may or, in the case of a regional local governmental unit, any city, town, board, commission or other instrumentality which is a member or other service recipient thereof may (i) for furnishing wastewater services, establish rates, rents, fees, assessments and other charges on the basis of a flat rate per volume of wastewater processed or on the basis of ascending unit rates based on the quantity or strength of wastewater processed and (ii) provide for furnishing wastewater services in its charges or through abatement proceedings conducted in accordance with its regulations for assurance of service to persons who by reason of age, infirmity or poverty are unable to pay the charges otherwise applicable, provided that the aggregate liability of the local governmental unit or such member or other service recipient for amounts attributable to any loan or local governmental obligations shall be in no way diminished thereby. Any local governmental unit and any such member or other service recipient which raises all or any part of the cost of wastewater services or any assessment therefor through real and personal property taxes assessed by the local governmental body shall indicate on the tax bills furnished to each taxpayer the portion of the tax assessed for such services.

Section 13. (a) Local governmental obligations issued by a local governmental unit shall be dated, may bear interest at such rate or rates, including rates variable from time to time subject to such minimum or maximum rate, if any, as may be determined by such index or other method of determination provided in the applicable loan agreement, shall mature in such amount or amounts and at such time or times, not later than the maximum dates, if any, provided herein, and may be made redeemable in whole or in part before maturity at the option of the local

governmental unit or at the option of the trust at such price or prices and under such terms and conditions as may be fixed in the loan agreement prior to the issue of the local governmental obligations. The local governmental obligations may be issued as serial bonds or term bonds or any combination thereof with such provisions, if any, for sinking funds for the payment of bonds as the local governmental unit and the trust may agree. Local governmental obligations may be in such form, payable to the bearer thereof or the registered owner, be certificated or uncertificated, be in such denominations, payable at such place or places, within or without the commonwealth, and otherwise bear such terms and conditions, not inconsistent with this chapter and the applicable bond act, as provided in the applicable loan agreement or as the board and the local governmental unit shall otherwise agree. Local governmental obligations may be issued in principal amount equal to the loan evidenced thereby or at such discount as the board and the local governmental unit shall agree.

(b) Subject to the requirements of Title VI of the Clean Water Act, local governmental obligations shall be payable within a period not exceeding the greater of the period, if any, specified in the applicable bond act or the useful life of the water pollution abatement project financed by such obligations, as determined by the department, or, if incurred to finance more than one project, the average useful life of such projects. Except as otherwise provided in this chapter, local governmental obligations shall be payable by such installment or installments of principal, annual or otherwise, as will extinguish the same at maturity, the first installment to be payable no later than one year after the date of issuance of such obligations or one year after the date of completion of the project financed by such obligations, as determined by the department, whichever date is later, and the remaining installments of principal, if any, to be in such amounts and payable on such dates as the board and the local governmental unit shall agree.

(c) Notwithstanding the provisions of sections seventeen and seventeen A of chapter forty-four to the contrary, if a local governmental unit has authorized a loan in accordance with this chapter and the issuance of local governmental obligations under any bond act, the local governmental unit may, subject to the loan agreement and with the approval of the board, issue notes to the trust or any other person in anticipation of the receipt of the proceeds of the loan. The issue of such notes shall be governed by the provisions of this chapter relating to the issue of local governmental obligations other than notes, to the extent applicable, provided the maturity date of such notes shall not exceed three years from the date of issue of such notes or the expected date of completion of the project financed thereby, as determined by the department, if later. Notes issued for less than the maximum maturity date may be renewed by the issue of other notes maturing no later than the maximum maturity date. The second sentence of section seventeen A of chapter forty-four shall not apply to the issue of such notes.

(d) A local governmental unit may issue local governmental obligations to

refund or pay at maturity or earlier redemption any local governmental obligations outstanding under any loan agreement or to refund or pay any other debt of the local governmental unit issued to finance the water pollution abatement project to which such loan agreement pertains. Local governmental obligations for refunding may be issued in sufficient amounts to pay or provide for the principal of the obligations refunded, any redemption premium thereon, any interest accrued and to accrue to the date of payment of such obligations, the costs of issuance of such refunding obligations and any reserves required by the applicable loan agreement. An issue of refunding local governmental obligations, the amount and dates of maturity or maturities and other details thereof, the security therefor and the rights, duties and obligations of the local governmental unit in respect to the same shall be governed by the provisions of this chapter relating to the issue of local governmental obligations other than refunding obligations as the same may be applicable.

(e) Except as otherwise provided in section fourteen, the applicable bond act, or by agreement between the trust and a local governmental unit, all local governmental obligations shall be general obligations of the local governmental unit issuing the same for which its full faith and credit are pledged and for the payment of which all taxable property in the local governmental unit shall be subject to ad valorem taxation without limit as to rate or amount except as otherwise provided by law.

Section 14. Notwithstanding any general or special law to the contrary, when authorized by a two-thirds vote as defined in section one of chapter forty-four or by such other vote as is authorized by the applicable bond act, local governmental obligations may be issued as limited obligations payable solely from local system revenues pledged to their payment in accordance with section fifteen. Unless otherwise provided in the applicable loan agreement, local governmental obligations issued in accordance with this section shall not be general obligations of the local governmental unit or a pledge of its full faith and credit and, notwithstanding any general or special law to the contrary, the amount of principal and premium, if any, of and interest on such obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes assessable by the local governmental unit in any year or on any assessment, levy or other charge made by the local governmental unit on any other political subdivision or instrumentality of the commonwealth. Any local governmental obligation issued in accordance with this section shall recite on its face that it is a limited obligation payable solely from local system revenues pledged to its payment.

Section 15. (a) Notwithstanding any general or special law to the contrary, when authorized by a two-thirds vote as defined in section one of chapter forty-four or by such other vote as is authorized by the applicable bond act, any local governmental obligations may be secured by one or more security agreements be-

tween the local governmental unit and a corporate trustee, which may be a trust company or bank having the powers of a trust company within or without the commonwealth, or directly between the trust and the local governmental unit. Any such security agreement shall be in such form and shall be executed as provided in the applicable loan agreement or as otherwise agreed to between the board and the local governmental unit.

(b) Any security agreement directly or indirectly securing local governmental obligations, other than local governmental obligations issued in accordance with section fourteen, may pledge or assign, and create security interests in, all or any part of the general revenues of the local governmental unit. Any trust agreement securing local governmental obligations issued in accordance with said section fourteen may pledge or assign, and create security interests in, all or any part of the local system revenues of the local governmental unit, but shall not otherwise pledge or assign any other general revenues of the local governmental unit unless otherwise authorized by the applicable bond act. Any security agreement may contain such provisions for protecting and enforcing the rights, security and remedies of the trust, or other holders of the local governmental obligations, as may be determined by the board and the local governmental unit, including without limitation provisions defining defaults and providing for remedies, including without limitation, the acceleration of maturities and, in the case of local governmental obligations issued under said section fourteen, the appointment of a receiver of the project financed thereby and the system of which it is a part, the covenants setting forth the duties of, and limitations on, the local governmental unit in relation to the custody, safeguarding, investment and application of monies, including general revenues and local system revenues, the issue of additional and refunding local governmental obligations and other bonds, notes or obligations on a parity or superior thereto, the establishment of reserves, the establishment of sinking funds for the payment of local governmental obligations, and the use of surplus proceeds. A security agreement securing local governmental obligations issued in accordance with said section fourteen may also include covenants and provisions not in violation of law regarding the acquisition, construction, operation and carrying out of the water pollution abatement project financed by such obligations, the system of which it is a part and any other revenue producing facilities from which the local governmental unit derives local system revenues, the fixing and collection of local system revenues and the making and amending of contracts relating thereto. Any local governmental obligations may also be secured by insurance or by letters or lines of credit or other credit facilities and a local governmental unit may pledge or assign any of its general revenues or local system revenues, as appropriate, as security for payments made thereon.

(c) Any pledge of general revenues or local system revenues made by a local governmental unit shall be valid and binding and shall be deemed continuously perfected for the purpose of chapter one hundred and six and any other law from

the time made. The general revenues, local system revenues, monies, rights and proceeds so pledged and then held or thereafter acquired or received by the local governmental unit shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise, regardless of whether such parties have notice thereof. Neither the security agreement or any other agreement by which a pledge is created need be filed or recorded except in the records of the local governmental unit and no filing need be made under the provisions of said chapter one hundred and six.

(d) A pledge of general revenues or local system revenues in accordance with this chapter shall constitute a sufficient appropriation thereof for the purposes of any provision for appropriation for so long as such pledge shall be in effect and, notwithstanding any general or special law to the contrary, such revenues shall be applied as required by the pledge and the security agreement evidencing the same without further appropriation.

Section 16. The trust and its existence shall continue until terminated by law; provided, however, that no such law shall take effect so long as the trust shall have bonds outstanding unless adequate provision has been made for the payment or satisfaction thereof. Upon termination of the trust, the title to the fund and all other properties of the trust which remain after provision for the payment or satisfaction of all bonds of the trust shall vest in the commonwealth. The obligations, debts and liabilities of the trust shall be assumed by and imposed upon the commonwealth, and shall be transferred to the state treasurer or to such other successor as the general court may designate.

Section 17. The board, in cooperation with the state treasurer, shall, at all times keep full and accurate accounts of all receipts, expenditures and disbursements from the fund and all assets and liabilities of the trust which shall be open to inspection by any officer or duly appointed agent of the commonwealth. The trust shall submit an annual report, in writing, to the governor, the department and the clerk of the house of representatives who shall forward the same to the president of the senate, the speaker of the house of representatives, the chairman of the senate committee on ways and means and the chairman of the house committee on ways and means. Said report shall include financial statements relating to the operations, properties, and expenditures of the trust maintained in accordance with generally accepted accounting principles so far as applicable and audited by an independent certified public accountant firm.

SECTION 9. Section 31 of chapter 184 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

A watershed preservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land predominantly in such condition to protect the water supply or po-

tential water supply of the commonwealth, to forbid or limit any or all (a) construction or placing of buildings; (b) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain the land and (c) other acts or uses detrimental to such watershed. Such watershed preservation restrictions shall be in perpetuity except as released under the provisions of section thirty-two. All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

SECTION 10. Said chapter 184 is hereby further amended by striking out section 32, as so appearing, and inserting in place thereof the following section:-

Section 32. No conservation restriction, agricultural preservation or watershed preservation restriction as defined in section thirty-one, held by any governmental body or by a charitable corporation or trust whose purposes include conservation of land or water areas or of a particular such area, and no preservation restriction, as defined in section thirty-one, held by an governmental body or by a charitable corporation or trust whose purposes include preservation of buildings or sites of historical significance or of a particular such building or site, shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or being assigned to any other governmental body or to any charitable corporation or trust with like purposes, provided (a) in case of a restriction held by a city or town or a commission, authority, or other instrumentality thereof, it is approved by the secretary of environmental affairs if a conservation restriction, the commissioner of the metropolitan district commission if a watershed preservation restriction, the commissioner of food and agriculture if an agricultural preservation restriction or the Massachusetts historical commission if a preservation restriction, and (b) in case of a restriction held by a charitable corporation or trust it is approved by the mayor, or in cities having a city manager the city manager, and the city council of the city, or the selectmen or town meeting of the town, in which the land is situated, and the secretary of environmental affairs if a conservation restriction, the commissioner of the metropolitan district commission if a watershed preservation restriction, the commissioner of food and agriculture if an agricultural preservation restriction or the Massachusetts historical commission if a preservation restriction.

Such conservation, preservation, agricultural preservation restrictions and watershed preservation restrictions are interests in land and may be acquired by any governmental body or such charitable corporations or trusts which have power to acquire interest in the land, in the same manner as it may acquire other interests in land. Such a restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. Such a restriction may be released, in whole or in part, by the holder for such consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the

governmental body holding the restriction or if held by a charitable corporation or trust, by the mayor, or in cities having a city manager the city manager, the city council of the city or the selectmen of the town, whose approval shall be required, and in case of a restriction requiring approval by the secretary of environmental affairs, the Massachusetts historical commission, the commissioner of food and agriculture, or the commissioner of the metropolitan district commission only with like approval of the release.

No restriction that has been purchased with state funds shall be released unless it is repurchased by the land owner at its then current fair market value. Funds so received shall revert to the fund sources from which the original purchase was made, or, lacking such source, shall be made available to acquire similar interests in other land. Agricultural preservation restrictions shall be released by the holder only if the land is no longer deemed suitable for agricultural or horticultural purposes or unless two-thirds of both branches of the general court, by a vote taken by yeas and nays, vote that the restrictions shall be released for the public good. Watershed preservation restrictions shall be released by the holder only if the land is deemed by the commissioner of the metropolitan district commission and the secretary of environmental affairs to no longer be of any importance to the water supply or potential water supply of the commonwealth or unless two-thirds of both branches of the general court, by a vote taken by yeas and nays, vote that the restrictions shall be released for the public good.

Approvals of restrictions and releases shall be evidenced by certificates of the secretary of environmental affairs, the chairman, clerk or secretary of the Massachusetts historical commission, the commissioner of food and agriculture, the commissioner of the metropolitan district commission, city council, or selectmen of the town, duly recorded or registered.

In determining whether the restriction or its continuance is in the public interest, the governmental body acquiring, releasing or approving shall take into consideration the public interest in such conservation, preservation, watershed preservation or agricultural preservation, and any national, state, regional and local program in furtherance thereof, and also any public, state, regional or local comprehensive land use or developmental body for use of the land.

This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provisions hereof, be unenforceable. Nothing in this section or section thirty-one and section thirty-three shall diminish the powers granted by any general or special law to acquire by purchase, gift, eminent domain or otherwise to use land for public purposes.

Nothing in this section shall prohibit the department of public utilities from authorizing the taking of easements for the purpose of utility services, provided that (a) said department shall require the minimum practicable interference with farming operations with respect to width of easement, pole locations and other

pertinent matters, (b) the applicant has received all necessary licenses, permits, approvals and other authorizations from the appropriate state agencies, (c) the applicant shall compensate the owner of the property in the same manner and at the same fair market value as if the land were not under restriction.

SECTION 11. The first paragraph of section 33 of said chapter 184, as so appearing, is hereby amended by striking out, in line 4, the words "and agricultural" and inserting in place thereof the word:- , agricultural,- and by inserting after the word "restrictions", the first time it appears, in line 5, the words:- and watershed preservation restrictions.

SECTION 12. The third paragraph of said section 33 of said chapter 184, as so appearing, is hereby amended by inserting after the word "agricultural", in lines 42 and 43, the words:- or watershed.

SECTION 13. Paragraph *(a)* of section 12 of chapter 372 of the acts of 1984 is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under the authority of this act, shall not exceed the sum of one billion two hundred million dollars outstanding at any one time, provided however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued, shall be excluded in the computation of outstanding bonds.

SECTION 14. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under the authority of this act shall not exceed the sum of one billion two hundred million dollars outstanding, provided however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued, shall be excluded in the computation of outstanding bonds.

SECTION 15. (a) On and after July first, nineteen hundred and ninety-one, the department of environmental quality engineering shall not approve a loan or grant to a local governmental unit to finance costs of a water pollution abatement project under section twenty-seven A or section thirty-three E of chapter twenty-one of the General Laws unless the local governmental unit receiving such loan or grant shall have adopted a pricing system for wastewater services by ordinance, rule, regulation, vote or other appropriate action effective for fiscal years beginning not later than July first, nineteen hundred and ninety-two which provides for assurance of service to households who by reason of low income are unable to pay the charge for service otherwise applicable, whether the costs of such services are included in an annual tax levy or are collected by rates, charges, fees, assessments or other charges. The foregoing requirements shall not apply to a regional local governmental unit, provided that each city, town, commission, board or other instrumentality which is a member or other service recipient thereof shall adopt a pricing system satisfying the foregoing requirements or such member or other service recipient shall be ineligible to receive its allocable share of any financial or

grant assistance provided the regional local governmental unit under chapter twenty-nine C or section thirty-three E of chapter twenty-one of the General Laws. On or before July first, nineteen hundred and ninety, the secretary of administration and finance and the secretary of the executive office for environmental affairs shall prepare and deliver to the governor and the clerk of the house of representatives who shall forward the same to the president of the senate and the speaker of the house a report, including proposed legislation if any, which shall address the provisions of this section and the application thereof to those low income households, including renters, which are not billed directly for the provision of wastewater services but are indirectly charged amounts for such services, in excess of one and one-half percent of household annual income for households with annual income at or below one hundred and fifty percent of the poverty level as established from time to time by the federal government.

(b) On and after June thirtieth, nineteen hundred and ninety-one, the department of environmental quality engineering shall not approve a loan or grant to a local governmental unit to finance costs of a water pollution abatement project under section twenty-seven A or section thirty-three E of chapter twenty-one of the General Laws unless the local governmental unit receiving such loan or grant shall have adopted by ordinance, rule, regulation, vote or other appropriate action, to take effect within ninety days of the award of the loan or grant, a pricing system for wastewater services which reflects the true cost of such services to the local governmental unit, and which is based on a flat rate per volume of wastewater process or on the basis of ascending unit rates based on the quantity or strength of wastewater processed, whether the costs of such services are included in an annual tax levy or are collected by rates, charges, fees, assessments or other charges. The foregoing requirements shall not apply to a regional local governmental unit, provided that each city, town, commission, board, or other instrumentality which is a member or other service recipient thereof shall adopt a pricing system satisfying the foregoing requirements or such member or other service recipient shall be ineligible to receive its allocable share of any financial or grant assistance provided the regional local governmental unit under chapter twenty-nine C or section thirty-three E of chapter twenty-one of the General Laws. On and after June thirtieth, nineteen hundred and ninety, the department of environmental quality engineering shall not approve a loan or grant to a local governmental unit to finance costs of a construction of a drinking water filtration plant or similar construction project unless the local governmental unit receiving such loan or grant shall have adopted by ordinance, rule, regulation, vote or other appropriate action, to take effect within ninety days of the award of the loan or grant, a pricing system for drinking water services which reflects the true cost of such services to the local governmental unit, and which is based on a flat rate per volume or on the basis of ascending unit rates per volume, whether the cost of such services are included in an annual tax levy or are collected by rates, charges, fees, assessments or other

charges.

SECTION 16. (a) The state treasurer is hereby authorized and directed to transfer the sum of seventy-five million dollars to the water pollution abatement trust created pursuant to the provisions of chapter twenty-nine C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established pursuant to the provisions of section two L of chapter twenty-nine of the General Laws for application by the trust to the purposes specified in section five of said chapter twenty-nine C any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the Federal Clean Water Act.

(b) The state treasurer is hereby authorized and directed to transfer the sum of one hundred and twenty-five million dollars to the water pollution abatement trust created pursuant to the provisions of said chapter twenty-nine C for deposit in the Water Pollution Abatement Revolving Fund established pursuant to the provisions of section two L of said chapter twenty-nine for application by the trust to the purposes specified in section five of said chapter twenty-nine C.

(c) The state treasurer is hereby authorized and directed to transfer the sum of seven hundred million dollars to the water pollution abatement trust created pursuant to the provisions of said chapter twenty-nine C for deposit in the Water Pollution Abatement Revolving Fund established pursuant to the provisions of said section two L of said chapter twenty-nine for application by the trust to the purposes specified in section six of said chapter twenty-nine C, on account of loans to local governmental units for costs of water pollution abatement projects as defined in said chapter twenty-nine C.

SECTION 17. Amounts transferred to the water pollution abatement trust by section sixteen of this act shall be paid to the trust by the state treasurer and deposited in the Water Pollution Abatement Revolving Fund in accordance with a payment schedule approved by the state treasurer, the secretary for administration and finance, the department of environmental quality engineering and the trust pursuant to section eight of chapter twenty-nine C of the General Laws.

SECTION 18. The department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed four hundred and thirty million dollars, for the purpose of providing grants to local governmental units for costs of water pollution abatement projects as authorized by section thirty-three E of chapter twenty-one of the General Laws. This amount shall be in addition to any amounts previously appropriated for the same or similar purposes. Payments on such grants shall be made in accordance with a payment schedule established by the department with the approval of the secretary of administration and finance. Notwithstanding the provisions of chapter twenty-nine C or section twenty-seven A or thirty-three E of chapter twenty-one of the General Laws or the provisions of this act to the contrary, not more than eighteen million dollars shall be used for such grants to local governmental units for projects on the federal fiscal year nineteen

hundred and eighty-eight federal construction grants priority list that received a federal grant in that fiscal year but did not receive a state grant, such that the total financial assistance provided to the applicable local governmental unit under this act, together with such federal grant, is the financial equivalent of a grant of up to ninety percent of the eligible costs thereof as determined by the department; and not more than sixty million dollars shall be used for such grants to local governmental units for other projects on the fundable portion of the federal construction grants priority lists for federal fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine such that the total financial assistance provided to such local governmental unit pursuant to the provisions of this act is the financial equivalent of a grant of seventy-five percent of the eligible costs thereof as determined by the department; provided that no local governmental unit shall receive no more than fifty percent of such amounts. Notwithstanding any other provision of this act, a sum not to exceed thirty-two million dollars shall be used for grants to local governmental units for the costs of planning and design of water pollution abatement projects pursuant to section thirty-three of chapter twenty-one of the General Laws; provided, however, that such grants shall not exceed seventy-five percent of the eligible costs as determined by the department.

SECTION 19. (a) Notwithstanding the provisions of chapter twenty-nine C of the General Laws or this act to the contrary, on or before June thirtieth, nineteen hundred and ninety-two, the water pollution abatement trust created pursuant to the provisions of said chapter twenty-nine C is authorized to make loans to local governmental units for the costs of water pollution abatement projects approved by the department of environmental quality engineering pursuant to section twenty-seven A of chapter twenty-one of the General Laws in an aggregate principal amount not to exceed two billion two hundred ten million dollars; provided, however, that not more than two hundred million dollars of such amount shall be applied to loans to finance costs of constructing collection systems as defined in section twenty-six A of said chapter twenty-one; provided, however, that no local governmental unit shall receive in any fiscal year more than ten percent of the dollar value of such loans made in that fiscal year; not more than three hundred twenty million dollars of such amount shall be applied to loans to finance costs of projects to rehabilitate abatement facilities to remove infiltration therefrom the costs of combined sewer overflow projects or certain other categories of abatement facility construction projects not typically funded by federal grants, identified as such in regulations promulgated by the department and in accordance with a priority system established by regulation, provided that no local governmental unit shall receive in any fiscal year more than twenty-five percent of the dollar value of such loans made in that fiscal year; not more than one billion two hundred million dollars shall be applied to loans to finance the costs of constructing other abatement facilities as defined in section twenty-six A of chapter twenty-one of the General Laws; provided, however, that no local governmental unit shall receive in

any fiscal year more than fifty percent of the dollar value of such loans made in that fiscal year; not more than two hundred million dollars of such amount shall be applied to loans to finance costs of planning or design of abatement facilities and collection systems; provided, further, that no local governmental unit shall receive in any fiscal year more than twenty-five percent of the dollar value of such loans made in that fiscal year unless all other applicants for such loans in that fiscal year shall receive such loans; and not more than two hundred ninety million dollars shall be applied to loans to finance costs of abatement projects not eligible for financial assistance pursuant to section six of chapter twenty-nine C of the General Laws but approved by the department pursuant to section twenty-seven A of chapter twenty-one of the General Laws. No more than one-quarter of the total authorization of such loans in each category may be made prior to June thirtieth, nineteen hundred and eighty-nine; no more than one-half of the total authorization of such loans in each category may be made prior to June thirtieth, nineteen hundred and ninety; and no more than three-quarters of the total authorization of such loans in each category may be made prior to June thirtieth, nineteen hundred and ninety-one.

(b) Notwithstanding the provisions of chapter twenty-nine C or section twenty-seven A of chapter twenty-one of the General Laws to the contrary, loans made by the water pollution abatement trust to finance costs of any water pollution abatement project listed on the fundable portion of the federal construction grants priority list for federal fiscal year nineteen hundred and eighty-eight or nineteen hundred and eighty-nine and approved by the department for assistance pursuant to section six of said chapter twenty-nine C shall provide for no interest to be paid thereon by the applicable local governmental unit.

(c) Notwithstanding the provisions of section twenty-seven A or section thirty-three E of chapter twenty-one of the General Laws to the contrary, the department may approve the provision of financial assistance under section six of chapter twenty-nine C of the General Laws for eligible costs of any water pollution abatement project and may award a grant under section thirty-three E of said chapter twenty-one for eligible costs of such project in amounts which in the aggregate will result in total financial assistance provided to the applicable local governmental unit or, in the case of a regional local governmental unit, provided, however, that in the aggregate to all cities, towns, and other public bodies which are members or other service recipients thereof, equivalent to a grant of up to seventy-five percent, of the eligible costs of such project under section thirty-three or section thirty A of said chapter twenty-one or under section two of chapter four hundred and seventy-two of the acts of nineteen hundred and eighty-four, as applicable, but not less than the equivalent of fifty percent of the grant for which such project would have been eligible under such sections as applicable prior to the passage of this act.

SECTION 20. (a) There shall be established and set up on the books of the

commonwealth a separate fund, to be known as the Water Treatment Facilities Revolving Fund, consisting of amounts credited to the fund in accordance with this section. The fund shall be administered in accordance with the provisions of this section by the board of trustees of the water pollution abatement trust created under chapter twenty-nine C of the General Laws and shall be held in trust exclusively for the purposes described herein and for the beneficiaries described herein and in said chapter twenty-nine C. The state treasurer shall be treasurer-custodian of the fund and shall have the custody of its monies and securities.

(b) In addition to the powers and duties of the board of trustees the water pollution abatement trust provided in chapter twenty-nine C of the General Laws, the board shall receive, hold, apply and disburse monies and revenues in the water treatment facilities revolving fund for the purpose of providing financial assistance, including grants as provided in this section, loans with or without interest, to local governmental units, as beneficiaries of the fund, to finance costs of eligible water treatment projects approved by the department of environmental quality engineering to carry out the provisions of sections one hundred and fifty-nine, one hundred and sixty and one hundred and sixty-two of chapter one hundred and eleven of the General Laws. As used in this section, the term "water treatment project" shall mean the planning, including facility study, piloting, value engineering, preliminary and final design and preconstruction activity, and construction, including construction supervision, operator training and facility start-up, of publicly owned drinking water filtration plants for the treatment of public water supplies.

(c) In the implementation of the provisions of this section and the administration of the water treatment facilities revolving fund, all provisions of chapter twenty-nine C and paragraphs (a), (d), (e) and (f) of section twenty-seven A of chapter twenty-one of the General Laws applicable to the water pollution abatement revolving fund and the provision of financial assistance by the trust to local governmental units for costs of water pollution abatement projects shall be equally applicable, to the extent consistent with this section, to the water treatment facilities revolving fund and to the provision of financial assistance for costs of water treatment projects, and the board, the department and local governmental units shall have the powers, and be subject to the applicable limitations, provided in said chapter twenty-nine C and section twenty-seven A of chapter twenty-one to carry out the provisions of this section. The powers and duties otherwise conferred upon the department by law with respect to the regulation and supervision of public water supplies shall in no respect be diminished by this section. Except to the extent prohibited by the requirements of Title VI of the Clean Water Act or other applicable federal law, the board may secure bonds of the trust by pledging as reserves monies held for that purpose in either or both of said funds, where the board determines that doing so will reasonably promote the purposes of both funds. The department, with the approval of the water resources commission, and the board shall establish standards, guidelines, criteria and other rules and

regulations for the administration and implementation of their powers under this section including without limitation a priority system and priority list for the approval of projects, a classification system for the provision of financial assistance by the trust, the determination of eligible costs of projects and the terms and conditions of loans by the trust. No water treatment project shall be approved for financial assistance under this section unless the applicable local governmental unit has adopted or is in the process of adopting a local water resources management plan pursuant to regulations promulgated by the water resources commission.

(d) In addition to the authority provided in section nine of chapter twenty-nine C of the General Laws, the board may provide by resolution for the issuance of bonds of the trust to carry out the purposes of this section, provided the aggregate principal amount of bonds outstanding for such purposes shall not exceed the sum of two hundred million dollars. The holders of such bonds shall also be beneficiaries of the fund. Notwithstanding any other provision of this act to the contrary, the trust is authorized to make loans to local governmental units for the costs of water treatment projects approved by the department in an aggregate principal amount not to exceed two hundred million dollars. Any financial assistance provided by the trust under authority of this section shall bear such terms and conditions approved by the department including without limitation such terms relative to the interest payable thereon as will result in total financial assistance provided to the applicable local governmental unit equivalent to a grant of up to seventy-five percent of the eligible costs of planning the water treatment project and up to fifty percent of the eligible costs of constructing such project, including costs of constructing associated transmission systems; provided that if the water treatment project will serve regional needs as determined by the department, financial assistance provided under this section for the total eligible costs of the associated transmission systems to implement the regional solution shall be the equivalent of a grant of up to sixty percent. Upon receipt by any local governmental unit receiving financial assistance under this section of federal funds granted expressly for the purpose of constructing a drinking water treatment plant for the treatment of public water supply, such local governmental unit shall reimburse the fund for such assistance in the amount by which financial assistance provided under this section and from any such federal grant exceeds the equivalent of a grant of ninety percent of the eligible costs of such project. In addition to water treatment projects eligible for financial assistance hereunder on the basis of the priority system and priority lists established by the department, any otherwise eligible water treatment project under construction as of January first, nineteen hundred and eighty-seven which has not received a state grant under any other provision of law shall be eligible for financial assistance under this section equivalent to a grant of up to fifty percent of the eligible costs of construction thereof.

(e) In addition to other amounts in this act, the state treasurer is hereby authorized and directed to transfer the sum of one hundred million dollars to the

water treatment facilities revolving fund for application by the trust to the purposes of this section. Amounts so transferred shall be paid to the trust for deposit in the fund in accordance with a payment schedule approved by the state treasurer, the secretary for administration and finance, the department and the trust pursuant to section eight of chapter twenty-nine C of the General Laws. A portion of the funds provided in this paragraph, not to exceed in the aggregate twenty percent, shall be used by the trust, when so directed by the department, to make grants for such water treatment projects; provided, that such grants shall be applied to the reduction of the principal balance of loans to local governmental units in accordance with this section. A portion of the funds provided in this paragraph, not to exceed four percent of the total amount authorized, shall be transferred to the department and may be used for the costs of the department associated with the administration of the programs set forth in this section, including consultant services or salaries of employees. The department, with the approval of the secretary of environmental affairs, shall annually submit to the secretary of administration and finance and the house and senate committees on ways and means, on or before October fifteenth, a plan for the use of any such funds for administrative costs.

(f) The department and the trust shall provide a report to the house and senate committees on ways and means and to the joint subcommittee on natural resources and agriculture by January first, nineteen hundred and ninety-one detailing all encumbrances, expenditures and projected expenditures of the funds provided under this section and providing projections for treatment needs and associated costs for the period nineteen hundred and ninety-one through nineteen hundred and ninety-six.

(g) All terms defined in chapter twenty-nine C of the General Laws shall have the same meanings in this section as are defined in said chapter twenty-nine C, unless the context otherwise requires.

SECTION 21. To meet the expenditures necessary in carrying out the provisions of sections sixteen, eighteen, nineteen and twenty of this act, the state treasurer, upon request of the governor, may 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 one billion four hundred and thirty million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Local Water Pollution Abatement Facilities Capitalization Grant, Act of 1989, 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 twenty-five. All interest and payments on account of the principal of such obligations shall be payable from the Local Aid Fund. Bonds and the interest thereon issued under the authority of this section, notwithstanding

any other provision of this act, shall be general obligations of the commonwealth.

SECTION 22. To meet the expenditures necessary in carrying out the provisions of section six 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 twenty million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Watershed Preservation Restriction Outlay Loan, Act of 1989, 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 twenty-five.

One-half of the interest and payments on account of principal of such obligation shall be payable from the General Fund.

One-half of the interest and payment on account of principal of such obligation shall annually be deemed debt service of the Massachusetts water resources authority, and such amounts shall annually be paid to the treasurer by said authority for the purpose of meeting such obligations.

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 purposes of meeting payments as authorized by sections six, sixteen, eighteen and twenty 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 rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth. 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 24. In order to defray a portion of the expenses of the department under this act, the treasurer shall transfer to the department for application without further appropriation a portion of the funds provided in sections sixteen and eighteen not to exceed four percent of the total funds authorized to be used for the costs of the department associated with the termination of the federal construction grants program and the transition to and administration of the program established in those sections, including consultant services or salaries of employees. The department shall include among such administrative costs not more than twenty-two positions assigned to the water pollution control regulatory program and previously funded by a federal grant under section 205(g) of the Federal Water Pollution Control Act effective October first, nineteen hundred and eighty-eight. No such funds shall be transferred or used for administrative costs

until said department, with the approval of the secretary of environmental affairs and the secretary of administration and finance, shall have submitted to the house and senate committees on ways and means, on or before June first, nineteen hundred and eighty-nine, and on or before October fifteenth annually thereafter, a plan for the use of any such funds to be expended for the department's administrative costs in the next twelve months.

SECTION 25. Funds provided in this act shall be in addition to funds authorized by chapter six hundred and eighty-seven of the acts of nineteen hundred and sixty-six, chapter seven hundred and forty-seven of the acts of nineteen hundred and seventy, chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine, chapter two hundred and eighty-six of the acts of nineteen hundred and eighty-two, chapter four hundred and seventy-two of the acts of nineteen hundred and eighty-four, chapter seven hundred and eighty-six of the acts of nineteen hundred and eighty-five, chapter four hundred and six of the acts of nineteen hundred and seventy-nine, chapter seven hundred and seventy-one of the acts of nineteen hundred and seventy-nine, chapter six hundred and thirty-four of the acts of nineteen hundred and eighty-two, chapter one hundred and sixty-seven of the acts of nineteen hundred and eighty-three and any other sums appropriated for the same or similar purposes.

SECTION 26. Chapter 516 of the acts of 1969 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. No actual construction work under this act shall commence until federal and state grants or loans in a substantial portion, as determined by said board, of the costs of said construction have been authorized.

Approved July 25, 1989

Chapter 276. **AN ACT EXEMPTING THE POSITION OF SUPERINTENDENT AND DIRECTOR OF PUBLIC WORKS IN THE TOWN OF HUDSON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of superintendent and director of public works in the town of Hudson shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of superintendent and director of public works in the town of Hudson on the effective date of this act.

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

Approved July 25, 1989

Chapter 277. **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 John Buckley, Esq., in the city of Gloucester on July thirtieth, nineteen hundred and eighty-nine between Sophie Lucienne Gaechter and Clyde Llewellyn Lovett, both of the town of Belmont, and the state secretary shall issue to said John Buckley, Esq. in his capacity aforesaid a certificate of such authorization.

Approved July 25, 1989.

Chapter 278. **AN ACT FURTHER REGULATING CERTAIN PRESCRIPTIONS.**

Be it enacted, etc., as follows:

Section 18 of chapter 94C of the General Laws is hereby amended by adding the following paragraph:-

(d) A prescription for a controlled substance contained in Schedule II of section three may also be issued by a physician who is licensed to practice medicine and registered in a contiguous state where he resides or practices, if required, and registered under federal law to write prescriptions. A registered pharmacist filling a prescription under the provisions of this paragraph shall determine, in accordance with professional standards and personal judgment, that such prescription is authentic and valid; and shall verify such prescription by telephone or other means. A pharmacist shall not fill a prescription for which said verification cannot be obtained. A pharmacist shall not be held liable for refusing to fill such prescription for which said verification cannot be obtained; provided, however, that documented good faith efforts were made to determine the authenticity and validity of such prescription. This paragraph is only for the purpose of authorizing

the filling of prescriptions within the commonwealth, issued within the preceding five days, and shall not authorize such practitioner to possess, administer or dispense controlled substances as provided in section nine, or to practice medicine within the commonwealth. Any prescription issued under the provisions of this paragraph shall be issued in the manner prescribed in section twenty-two and all relevant provisions of this chapter shall apply to such practitioner and prescription. In the case of any prescription for a Schedule II substance filled under the provisions of this paragraph, a pharmacist filling such prescription shall within thirty days after the filling of such prescription deliver to the department a copy of each such Schedule II prescription; provided, however, that such copy shall not include the name and address of the patient for whom the prescription is issued and that such copy and the information contained thereon shall not be deemed to be public record within the meaning of section s even of chapter four and shall be subject to the restrictions set forth in section two of chapter sixty-six A. Nothing contained in this section shall be deemed to authorize any mail order pharmacies.

Approved July 25, 1989.

Chapter 279. **AN ACT PROVIDING FOR THE ESTABLISHMENT OF AN ALTERNATIVE DISPUTE RESOLUTION PROGRAM FOR CIVIL ACTIONS IN THE TRIAL COURT.**

Be it enacted, etc., as follows:

Chapter 211B of the General Laws is hereby amended by adding the following section:-

Section 18. The chief administrative justice may establish and promulgate rules for a mandatory alternative dispute resolution program for civil actions within the trial court subject to the approval of the supreme judicial court; provided, however, that the parties to a dispute resolution shall not be bound by the results thereof. The office of the chief administrative justice shall supervise and establish standards for the implementation of such program.

Approved July 25, 1989.

Chapter 280. **AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO ISSUE PROTECTIVE ORDERS.**

Be it enacted, etc., as follows:

Chapter 25 of the General Laws is hereby amended by inserting after section 5C the following section:-

Section 5D. Notwithstanding the provisions of clause Twenty-sixth of section seven of chapter four and section ten of chapter sixty-six, the department may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the department shall protect only so much of the information as is necessary to meet such need. The department shall promulgate procedural rules and regulations consistent with this section as it deems necessary to implement the provisions hereof.

Emergency Letter: July 26, 1989 @ 9:06 A.M. Approved July 25, 1989

Chapter 281. AN ACT INCREASING THE AGGREGATE AMOUNT OF SECOND MORTGAGE LOANS BY CREDIT UNIONS.

Be it enacted, etc., as follows:

Paragraph 7 of subsection (a) of subdivision (B) of section 24 of chapter 171 of the General Laws is hereby amended by striking out the last sentence, as appearing in the 1988 Official Edition, and inserting in place thereof the following sentence:- The aggregate amount of loans made by such credit union pursuant to this paragraph shall not exceed twenty-five percent of its assets.

Approved July 25, 1989.

Chapter 282. AN ACT RELATIVE TO THE AMOUNT THAT CREDIT UNIONS MAY LOAN FOR THE IMPROVEMENT OF IMPROVED REAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (D) of section 24 of chapter 171 of the General Laws is hereby amended by striking out the second sentence, as appearing in the 1988 Official Edition, and inserting in place thereof the following sentence:- Such loan shall not exceed forty thousand dollars, exclusive of interest or discount from the date of the note, with respect to any one parcel of such real estate.

SECTION 2. Said subdivision (D) of said section 24 of said chapter 171 is

hereby further amended by striking out the fifth sentence, as so appearing, and inserting in place thereof the following sentence:- The aggregate balance of principal outstanding at any one time on loans of this class shall not exceed forty percent of the deposits, shares and undivided earnings of such credit union.

Approved July 25, 1989.

Chapter 283. AN ACT CONCERNING REAL ESTATE HELD AS TENANTS BY THE ENTIRETY.

Be it enacted, etc., as follows:

Chapter 209 of the General Laws is hereby amended by inserting after section 1 the following section:-

Section 1A. Tenants by the entirety holding under a deed dated prior to February eleventh, nineteen hundred and eighty may elect to have their tenancy treated as being subject to the provisions of chapter seven hundred and twenty-seven of the acts of nineteen hundred and seventy-nine; provided, however, that such election is made in writing, identifying the real estate with reference to the book and page of the registry of deeds wherein such deed is filed. Such election shall be executed by the grantees named as tenants by the entirety on the deed who are electing to be subject to this section, duly notarized, and recorded in said registry.

Approved July 25, 1989.

Chapter 284. AN ACT FURTHER REGULATING SHARES AND DEPOSITS IN CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 10 of chapter 171 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the fifth sentence the following sentence:- A member of a credit union having assets of thirty million dollars or more may hold shares or make deposits, or both, in his own name, to an amount not exceeding, in the aggregate, two hundred and fifty thousand dollars and may jointly, with one or more persons, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, five hundred thousand dollars.

Approved July 25, 1989.

Chapter 285. **AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF EXERCISE TIGER DAY.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12NN, inserted by chapter 126 of the acts of 1989, the following section:-

Section 12 OO. The governor shall annually issue a proclamation setting apart April twenty-eighth as Exercise Tiger Day in recognition of the thirty thousand servicemen who left Truro, England on an exercise mission for the D-Day invasion and recommending that said day be observed in an appropriate manner by the people.

Approved July 25, 1989.

Chapter 286. **AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO PAY A CERTAIN UNPAID BILL.**

Be it enacted, etc., as follows:

The city of Leominster is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay to, Leominster Plumbing & Heating Co., Inc., a Massachusetts corporation, an unpaid bill incurred by the school department of said city and totalling twenty-three thousand one dollars and sixty-one cents said bill being legally unenforceable against said city, notwithstanding the failure of said city to comply with the appropriate provisions of law relating to competitive bidding in awarding the contract.

Emergency Letter: July 27, 1989 @ 9:12 A.M. Approved July 25, 1989.

Chapter 287. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY NINE 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 sections two, two A and two C for the several purposes and subject to the conditions specified therein are hereby appropriated from the General Fund unless specifically designated otherwise in the items, 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, for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine 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.

0332-0200 For a reserve to fund initiatives to relieve the backlog of unprocessed or unpaid civil motor vehicle violations within the district courts of the commonwealth; provided, that funds in this item shall be distributed as determined by and subject to the approval of the administrative justice of the trial court; provided further, that funds may be expended from this item only in accordance with a schedule of expenditures to be submitted in advance to the house and senate committees on ways and means $100,000

Treasurer and Receiver-General.

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, but not limited to, the provisions outlined in section five of chapter two hundred and fifty-eight A of the General Laws, including prior year expenses $1,850,000

Debt Service.

0699-7800 For the payment of interest on certain bonded indebtedness 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; and provided further, that no payment of interest or issuance costs on bond anticipation notes and revenue anticipation notes may be charged to this item.

0699-9100 For the payment of interest and issuance costs of bond anticipation notes and revenue anticipation notes and other notes pursuant to sections forty-seven and forty-nine B of chapter twenty-nine of the General Laws; provided, that the comptroller shall charge such costs to the various funds of the commonwealth or to the General or Highway Fund in proportion to the fund deficits in such funds, if any, at the close of the fiscal year, prior to transfers authorized in section eight of this act.

0699-9100 For the payment of interest and issuance costs of bond anticipation notes and revenue anticipation notes and other notes pursuant to sections forty-seven and forty-nine B of chapter twenty-nine of the General Laws; provided, that the comptroller shall charge such costs to the various funds of the commonwealth or to the General or Highway Fund in proportion to the fund deficits in such funds, if any, at the close of the fiscal year, prior to transfers authorized in section eight of this act.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

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 percent 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 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; provided further that notwithstanding the provisions of chapter six A of the General Laws or any other general or special law, commencing October first, nineteen hundred and eighty-eight, no health benefit plan offered by the commission shall be liable for any payments on behalf of persons enrolled in said plans to acute hospitals for uncompensated care, as provided in said chapter six A; provided further that for the purposes of section eighty-seven of said chapter six A and section fifteen of chapter one hundred eighteen F of the General Laws, "private sector share" shall be defined so as not to include the share of costs incurred by the commission on behalf of persons enrolled in health benefit plans offered by the commission $8,000,000

1108-6200 For the purposes of workers' compensation paid to public employees, including previous fiscal years $1,000,000

Highway Fund	35.0%
General Fund	65.0%

Miscellaneous.

1599-2038 For the payment of deficiencies in certain appropriations for previous fiscal years based upon

schedules provided to the house and senate committees on ways and means; provided, that the comptroller is hereby authorized to charge such payments to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-nine and to transfer from the amount appropriated herein to said items and allocations such amounts as are necessary to meet the cost of said charges; provided further, that said comptroller is authorized to allocate the amounts of such payments to the several state or other funds to which said payments would have been chargeable if appropriations had been available thereof $4,955,314

1599-3384 For a reserve for the payment of certain court judgments, settlements and legal fees, in compliance with regulations promulgated by the comptroller, filed with the house and senate committees on ways and means, which were ordered to be paid in fiscal year nineteen hundred and eighty-nine 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 $8,237,584

1599-3623 For a reserve to meet the fiscal year nineteen hundred and eighty-nine costs 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 Suffolk County Superior Court Officers' Association; provided, that the secretary of administration and finance 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 years nineteen hundred and eighty-nine and nineteen hundred and ninety, 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 costs 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 expenditure of any amounts necessary to meet the cost of said adjustments and benefits; 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.

1599-3656 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 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, 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 spend from the sum appropriated herein, and to transfer therefrom to other items of appropriation and allocations thereof for the fiscal

years nineteen hundred and eighty-nine and nineteen hundred and ninety such amounts as are necessary to meet the cost of said adjustments and benefits for fiscal year 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 costs 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 of 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.

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 this item shall not expire until June thirtieth, nineteen hundred and ninety $150,000

3743-2029 For support of the community and economic development activities carried out by the governor's community development coordinating council; provided, that this item shall not expire until June thirtieth, nineteen hundred and ninety $200,000

3747-0001 For the administration of the commission on Indian affairs; provided, that this appropriation shall not expire before June thirtieth, nineteen hundred and ninety, including not more than three positions $8,881

EXECUTIVE OFFICE OF HUMAN SERVICES.

Rate Setting.

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 between July first, nineteen hundred and eighty-eight and June thirtieth, 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 ninety $50,000,000

Department of Public Welfare.

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 percent 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 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; provided further, that expenditures from this item charged to the Reemployment and Job Placement Fund shall be those expended by the department of employment and training for job placement services, including not more than ninety-seven positions.

General Fund	93.5%
Reemployment and Job Placement Fund	6.5%

Department of Medical Security.

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 this appropriation shall not expire until June thirtieth, nineteen hundred and ninety $15,000,000

4600-1060 For the cost of uncompensated care provided by community health centers; provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and ninety $6,516,937

Department of Social Services.

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 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 seven hundred and sixty-eight positions $1,910,486

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Public Works.

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.

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-eight; provided, that the commonwealth shall not pay more than sixty percent 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.

Local Aid Fund 100.0%

7061-1000 For equal education opportunity grants to cities, towns, regional school districts and independent vocational schools to increase spending on direct services in districts where actual expenditures on direct services in fiscal year nineteen hundred and eighty-seven or prior years was less than eighty-five percent of the state average of such expenditures, pursuant to chapter seventy A of the General Laws; provided, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school district or independent vocational school and held as a separate account and shall be expended by the school committee of such city, town, regional school district or independent vocational school without appropriation, notwithstanding the provisions of any general or special law to the contrary 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 ninety $29,174,292

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Criminal Justice Training Council.

8200-0200 For the administration and operation of programs to be conducted by the Massachusetts criminal justice training council, including not more than fifty-nine positions $249,000

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 the 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 review by the office of management information systems and pursuant to schedules by said office; provided further, that forty percent 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.

Highway Fund 100.0%

Military Division.

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; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety $18,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-0102 For the expenses of the Massachusetts Technology Park Corporation; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety $1,000,000

9000-0105 For the expenses of the Comprehensive Offenders Employment Resources System; provided, that increased emphasis be placed on the provision of services to female offenders, including not more than two positions.

General Fund 15.0%

Reemployment and Job Placement Fund 85.0%

9000-0112 For the operation of satellite job training centers in Boston, Springfield and Cambridge.

General Fund 80.0%

Reemployment and Job Placement Fund 20.0%

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.

General Fund 80.0%

Reemployment and Job Placement Fund 20.0%

9000-0400 For the expenses of the Bay State Skills Corporation.

General Fund 80.0%

Reemployment and Job Placement Fund 20.0%

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 $6,700,000

Department of Employment and Training.

9081-0350 For the administration of the department of employment and training 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 commissioner of said department may consult with departments, commissions, offices, boards, divisions, institutions and other agencies for the purpose of planning for and operating employment and training programs within said department; provided further, that funds may be obligated from this item for the compensation of employees under item 9081-0100.

Reemployment and Job Placement Fund	100.0%

EXECUTIVE OFFICE OF LABOR.

Office of the Secretary.

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.

General Fund	70.0%
Reemployment and Job Placement Fund	30.0%

SECTION 2A. For the purpose of making available for expenditure in the fiscal year nineteen hundred and ninety certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-nine, the unexpended balances of the maintenance appropriation items shown below, not to exceed the amount specified below for each item, are hereby re-appropriated for the fiscal year nineteen hundred and ninety:

Item	Reduce to	Item	Reduce to
0117-0000	$6,000	1105-3604	$2,500
0122-0000	$160,000	1105-3611	$278,000
0124-0000	$315,000	1108-3602	$378,000
0127-0000	$437,000	1108-3603	$182,000
0127-0020	$492,000	1108-3606	$24,000
0127-0030	$30,000	1201-0100	$4,500,000
0129-0000	$150,000	1599-2038	$4,955,314
0143-0000	$25,000	1599-3384	$8,237,584
0144-0000	$350,000	1599-3623	$267,000
0161-1000	$1,000	1599-3624	$514,000
0185-7807	$67,700	1599-3656	$2,813,263
0185-7816	$84,000	2150-0600	$500,000
0185-7817	$60,000	4600-1050	$421,241
0185-7842	$48,000	5046-0000	$6,000,000
0330-0100	$170,599	8200-0200	$399,000
1100-9510	$1,200,000		

For the purpose of making available for expenditure in the fiscal year nineteen hundred and ninety certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-nine, the unexpended balances of the bond-funded items shown below are hereby re-appropriated for the fiscal year nineteen hundred and ninety.

0115-8758
0431-8833
0431-8835
0511-8811
1100-1560
1100-1561
1100-8791
1102-7846
1102-8791
1102-8792
1102-8801
1102-8804
1102-8812
1102-8813
1102-8814
1102-8816
1102-8819
1102-9801
1102-9802
1102-9845
2000-0843
2000-8830
2000-9841
2000-9842
2000-9843
2030-8821
2030-8842
2120-8803
2120-8805
2120-8812
2120-8823
2120-8825
2120-8846
2120-9848
2130-8771
2130-8772
2150-8831
2150-9848
2200-7871
2250-1010
2250-8844
2270-8771
2270-8772
2270-8791
2770-8811
2270-8812
2270-8813
2270-8821
2320-8813
2410-8801
2410-8802
2440-8795
2440-8802
2440-8812
2440-8813
2440-8816
2440-8819
2440-8842
2440-8845
2440-9812
2440-9813
2440-9841
2440-9842
2440-9848
2444-8812
2449-7260
2449-7350
2449-7370
2449-8754
2449-8755
2449-8791
2681-9029
3722-0810
3722-9015
3722-9030
3722-9301
3724-9001
4312-8751
4315-8811
4316-8811
4316-8812
4316-8813
4343-8811
4344-8841
4345-8811
4348-8811
4348-8812
5011-8801
5011-8802
5011-8811
5011-8812
5191-8801
5471-8801
5897-8811
6000-3025
6000-3100
6000-8841
6004-8756
6031-8830
6032-4037
6032-4038
7070-8811
7114-8801
7114-8842
7117-8771
7220-8843
7220-8845
7310-8842
7410-8781
7410-8772
7410-8801
7410-8845
7410-8848
7490-8751
7490-9751
7506-8771
7511-8752
7511-8841
7511-8842
7514-8755
7514-8842
7514-8845
7514-9750
7515-8811
7516-8841
8000-8842
8200-8841
9300-2801
9300-3901
8300-3902
9300-3905

For the purpose of making available for expenditure in the fiscal year nineteen hundred and ninety certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-nine, the unexpended balances of the bond-funded items shown below are hereby re-appropriated for fiscal year nineteen hundred and ninety; provided, that the unexpended balances in any other items of appropriation included by reference in the accounts listed below are not re-appropriated.

0431-8811
0431-8832
1100-8758
1102-7845
1102-7847
1102-7849
1102-8777
1102-8797
1102-8806
1102-8843
1102-8844
1102-8847
1201-8841
2120-7842
2120-7845
2120-7846
2120-7848
2120-8848
2120-9841
2120-9842
2120-9843
2120-9844
2120-9845
2120-9846
2121-8844
2150-6844
2150-6847
2150-6849
2150-7840
2150-7841
2150-8845
2150-9845
2150-9847
2320-8842
2440-7848
2440-8794
2440-8798
2440-8801
2440-8813
2440-8840
2440-8843
2440-8847
2440-8848
2440-8849
2440-9842
2440-9843
2440-9844
2440-9845
2440-9846
2440-9847
2440-9849
2444-8842
2444-8843
3722-8846
4000-8840
4238-8841
4311-8841
4312-8841
4312-8842
4312-8843
4313-8841
4315-8792
4316-8841
4316-8842
4316-8843
4316-8844
5011-8841
5011-8842
5011-8845
5295-8841
5377-8842
5391-8771
5651-8841
5655-8841
5895-8841
6059-0000
7066-8841
7109-8721
7109-8821
7109-8845
7109-8846
7112-8842
7114-8791
7117-8841
7220-8802
7220-8841
7220-8842
7220-8844
7310-8841
7410-8784
7410-8842
7410-8843
7410-8846
7411-8841
7411-8842
7452-8843
7490-8721
7490-8722
7502-8841
7503-8841
7506-8841
7515-8841
7515-8842
7516-8751
7518-8841
7518-8842
8312-8842
8312-8843

Notwithstanding any general or special law to the contrary, any remaining balances at the end of fiscal year nineteen hundred and eighty-nine from revenues authorized in general or special law to be retained by certain departments, commissions, and agencies for expenditure without further appropriation in said fiscal year, shall be reported by the comptroller as unrestricted revenues for said fiscal year, and shall not be made available for expenditure during the fiscal year ending June thirtieth, nineteen hundred and ninety, without further appropriation; provided, however, that the amount of each such balance not in excess of three percent collected from such revenues authorized to be retained in fiscal year nineteen hundred and eighty-nine shall not revert but shall be available to said departments, commissions, and agencies for the authorized purposes of said revenues during fiscal year nineteen hundred and ninety; provided further, that all unexpended balances from retained revenue, so-called, of the items listed below, not to exceed the amount specified below for each item, are re-appropriated for the purposes provided in such general or special law during the fiscal year nineteen hundred and ninety.

Supreme Judicial Court.

0320-0984	$325,000

District Attorneys.

0340-0110	$600,000
0340-0210	$75,000
0340-0310	$50,000
0340-0410	$200,000
0340-0510	$50,000
0340-0610	$50,000
0340-0710	$75,000
0340-0815	$25,000
0340-0910	$125,000
0340-1010	$25,000
0340-1110	$25,000

Attorney General.

0810-0410	$25,000

Division of Capital Planning and Operations.

1102-3214	$1,250,000
1102-3215	$1,750,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2310-0312	$75,000

Metropolitan District Commission.

2443-0001	$49,321

Office for Children.

4130-0009	$150,000

Department of Mental Retardation.

5982-1000	$25,000

Department of Public Safety.

8312-9043	$5,000
8312-9044	$5,000

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.

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 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.

0612-1010 The state treasurer may retain revenues in an amount not to exceed thirty-five million dollars from amounts recovered by the commonwealth under section six B of chapter twenty-nine of the General Laws, under section five D of chapter forty of the General Laws, under clause (c) of paragraph eight of section three of chapter thirty-two of the General Laws, and from associated recoveries, reimbursements, and repayments, for expenditure for the purposes and subject to the conditions of item 0612-1010 of section two of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight; provided, that no amounts may be expended from this item without the approval of the house and senate committees on ways and means; provided further, that any amounts remaining in or allocable to this item or said item 0612-1010 of said section two and not due and owing as of June thirtieth of any fiscal year shall remain or be deposited, as applicable, in the commonwealth's pension liability fund established under section twenty-two of chapter thirty-two of the General Laws and shall not revert to the General Fund nor be used to offset the commonwealth's obligations under section twenty-two C of said chapter thirty-two for any subsequent fiscal year $35,000,000

0640-2003 Not withstanding 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 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.

Local Aid Fund 100.0%

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Telecommunications.

1102-4055 The commissioner of administration may incur and the comptroller may certify for payment, expenses and liabilities in an amount not to exceed fourteen million dollars, for the purchase or rental of telecommunications lines, services, and equipment, from charges to be assessed agencies for the use of said lines, services, and equipment.

Comptroller's Division.

1103-1000 The state comptroller may expend revenues in an amount not to exceed three hundred and twenty-five thousand dollars from allocated federal funds transferred from federal reimbursement and grant receipts pursuant to line item 1103-1000 of section two of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight, 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.

EXECUTIVE OFFICE OF HUMAN SERVICES.

Department of Social Services.

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 thirteen million seven hundred thousand dollars, for the provision of direct social services.

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 six hundred and fifty thousand dollars, for the provision of direct social services.

EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.

Division of Registration.

9230-0050 The division of registration may expend an amount not to exceed eighty thousand dollars from the proceeds of federal government sales of confiscated properties $80,000

SECTION 3. Of the amount authorized to item 2120-7898 of section two D of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight the balance remaining as of June thirtieth, nineteen hundred and eighty-nine, in allocation account 2440-9898 is hereby re-authorized for the fiscal year nineteen hundred and ninety.

SECTION 4. Of the amount authorized to item 2681-8751 of section four of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four, the balance remaining as of June thirtieth, nineteen hundred and eighty-nine, in allocation account 2200-8751 is hereby re-authorized for the fiscal year nineteen hundred and ninety.

SECTION 5. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety is hereby amended by striking out item 1108-6200 and inserting in place thereof the following item:-

1108-6200 For the purpose of workers' compensation paid to public employees, including previous fiscal years payments not to exceed five million dollars $28,267,650

Highway Fund	35.0%
General Fund	65.0%

SECTION 6. Section two A of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety is hereby amended by inserting after item 6000-9954 the following item:-

6000-9957 For the purposes of a federally funded grant entitled, Pioneer Valley Railroad System Rehabilitation Project $960,000

SECTION 7. Section two C of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety is hereby amended by inserting after item 5982-1000 the following item:-

6000-0110 The executive office of transportation and construction may expend, for the purpose of property management and maintenance on railroad properties owned by said executive office on behalf of the commonwealth, an amount not to exceed fifty-one thousand six hundred dollars from the rents and fees received pursuant to section four of chapter one hundred and sixty-one C of the General Laws $51,600

SECTION 8. (a) Notwithstanding any general or special law to the contrary, the comptroller shall, as of June thirtieth, nineteen hundred and eighty-nine, 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-nine.

(b) As of June thirtieth, nineteen hundred and eighty-nine, the comptroller shall transfer from the General Fund, to the extent that funds are available therein prior to transfers made pursuant to subsection (a), to the Local Aid Fund the amount of the Local Aid Fund deficit, if any, for the fiscal year nineteen hundred and eighty-nine.

(c) As of June thirtieth, nineteen hundred and eighty-nine, the comptroller shall transfer from the General Fund, to the extent that funds are available therein prior to transfers made pursuant to subsection (a) and, after transfers made pursuant to subsection (b), to the Highway Fund the amount of the Highway Fund deficit, if any, for the fiscal year nineteen hundred and eighty-nine.

(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 subsection (a), 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 subsection (b) for the fiscal year nineteen hundred and eighty-nine; 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 General Fund the amount of the Highway Fund deficit, if any remains after transfer made pursuant to subsection (c), and shall subsequently transfer said amount from the General Fund to the Highway Fund for the fiscal year nineteen hundred and eighty-nine.

SECTION 9. 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-nine to those of the following items which would otherwise have insufficient amounts to meet debt service payments for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine; 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	0699-3900	0699-6800	0699-8301
0699-1801	0699-4800	0699-6801	0699-8302
0699-1900	0699-4801	0699-6900	0699-8400
0699-2800	0699-4900	0699-7800	0699-8401
0699-2900	0699-5800	0699-7801	0699-8402
0699-3800	0699-5801	0699-7900	0699-9100
0699-3801	0699-5900	0699-8300	0699-9200

SECTION 10. For the purpose of accommodating delayed receipt of revenues in fiscal year nineteen hundred and ninety, authorized to be retained in the following items during fiscal year nineteen hundred and ninety, the below named departments are hereby authorized to incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year nineteen hundred and ninety, to be charged to said items, in amounts not to exceed the amounts specified below for each said item, for the authorized purposes of said item.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2120-0810	$200,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Massachusetts Commission for the Blind.

4110-4035	$100,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Department of Correction.

4311-0007	$524,655
4311-7001	$115,000

Department of Mental Health.

5047-0100	$160,000

SECTION 11. 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-nine 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-nine; 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 said secretary of administration and finance and provided to the house and senate committees on ways and means, and shall be charged according to the provisions of an account established for the purpose of paying prior year deficiencies; provided further, that such payments, where appropriate, may be paid from capital appropriations, federal grants, or trust funds; provided further, that the comptroller is hereby authorized to make payments for certain contracted services for highway or railroad purposes rendered prior to the effective date of this act 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 of transportation and construction shall certify in writing that such services were actually performed; and provided further, that sufficient funds for such payments exist in accounts made available from acts in effect prior to the effective date of this act; and provided further, that this section shall not apply to payments authorized pursuant to section two for such purposes.

SECTION 12. The entity established pursuant to chapter two hundred and twelve of the acts of nineteen hundred and seventy-five shall reimburse the commonwealth six million dollars for contract assistance provided by the commonwealth to section eight B of said chapter two hundred and twelve; provided, that said entity shall make said reimbursement no later than July thirty-first, nineteen hundred and eighty-nine; and provided further, that notwithstanding any provision of general or special law to the contrary, said entity is hereby authorized to use or borrow from any of its various assets and accounts, including without limitation bond proceeds as described in said section eight B, as necessary in order to make said payment; and provided further, that the comptroller shall deposit said payment in the General Fund; and provided further, that said payments shall be accounted for as transactions of the fiscal year ending June thirtieth, nineteen hundred and eighty-nine.

SECTION 13. Notwithstanding the provisions of section five C of chapter twenty-nine of the General Laws, the comptroller shall, not later than forty-five days after the effective date of this act, certify to the commissioner of administration a preliminary consolidated net surplus in the operating funds for fiscal year nineteen hundred and eighty-nine.

SECTION 14. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety, is hereby amended by striking out item 9000-1900 and inserting in place thereof the following item:

9000-1900	For the expenses of the office of travel and tourism, the operation of tourist information booths, and the promotion of vacation travel within the commonwealth, including the promotion and marketing of overseas international tourism; provided, that two hundred and fifty thousand dollars shall be expended on a cultural exchange program with the Soviet Union; provided further, that one hundred thousand dollars be expended for the Spirit of Massachusetts campaign; provided further, that 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; including not more than twenty-two positions	$6,500,000

SECTION 15. For the fiscal year nineteen hundred and ninety and following years, the rate setting commission shall establish by regulation a payment methodology for clinical laboratory services to publicly aided individuals based exclusively on a fixed, uniform fee schedule that sets forth rates of payment for all or substantially all clinical laboratory services rendered by independent clinical laboratories. A fixed, uniform fee schedule shall mean a schedule of rates of payment under which all independent clinical laboratories receive the same listed payment for any listed procedure. For fiscal year nineteen hundred and ninety, the rates of payment under said fixed, uniform fee schedule shall be set at a level such that the average payment per test is approximately ninety-five percent of the average actual payment expended per test during fiscal year

nineteen hundred and eighty-nine; provided, however, that no rate of payment established for fiscal year nineteen hundred and ninety for any listed test shall be lower than ninety percent of the average payment for the same procedure in fiscal year nineteen hundred and eighty-nine; provided further, that given a constant level of utilization the payment methodology established pursuant to this section shall ensure that the total payments for clinical laboratories from the department of public welfare in fiscal year nineteen hundred and ninety shall not exceed the total payments for fiscal year nineteen hundred and eighty-nine. In developing the fixed, uniform fee schedule for fiscal year nineteen hundred and ninety, the rate setting commission may make such reasonable estimates as are required by the availability of data, including using projections from the most recent quarter for which complete data are available. For fiscal year nineteen hundred and ninety-one and subsequent years, the rate setting commission shall establish a fixed, uniform fee schedule as defined above at a level determined to provide reasonable reimbursement. Notwithstanding the foregoing, the commission shall not be required by this section to approve any level of payment inconsistent with applicable federal requirements, including requirements for federal financial participation.

SECTION 16. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety, is hereby amended by striking out item 9081-7007 and inserting in place thereof the following item:-

9081-7007 For the operation of satellite job training centers		$989,282
General Fund	80.0%	
Reemployment and Job Placement Fund	20.0%	

SECTION 17. Notwithstanding any special or general law to the contrary, the unexpended balance of item 3724-3037 of section two A of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight, is hereby re-appropriated for the fiscal year nineteen hundred and ninety; provided, however, that not 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, further, 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.

SECTION 18. For taxable years commencing on or after January first, nineteen hundred and eighty-nine and before January first, nineteen hundred and ninety, there is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws on Part B taxable income as determined under the provisions of said chapter sixty-two, an additional tax at the rate of three hundred and seventy-five one thousandths of one percent on said Part B taxable income. All provisions of law relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, under the provisions of said chapter sixty-two shall be applicable to the additional tax imposed by this section.

For taxable years commencing on or after January first, nineteen hundred and ninety and before January first, nineteen hundred and ninety-one, there is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws on Part B taxable income as determined under the provisions of said chapter sixty-two, an additional tax at the rate of seventy-five one hundredths of one percent on said Part B taxable income. All provisions of law relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, under the provisions of said chapter sixty-two shall be applicable to the additional tax imposed by this section.

SECTION 19. Notwithstanding the provisions of section eighteen of this act or any other general or special law to the contrary, "Part B taxable income" as used in said section eighteen shall not include unemployment compensation, alimony, Massachusetts bank interest, rental income, pension and annuity income or IRA/Keogh distributions. During the taxable years

the provisions of said section eighteen are in effect, unemployment compensation, alimony, Massachusetts bank interest, rental income, pension and annuity income and IRA/Keogh distributions after taking the applicable deductions and exemptions provided herein, shall be "Part C taxable income" and shall be taxed at the rate of five percent. Any deduction allowable under paragraph (d) of section two or Part B of section three of chapter sixty-two of the General Laws shall be applied first against Part B income, except that the deduction under subparagraph (6) of paragraph (a) of said Part B of said section three shall only be applied against Massachusetts bank interest. Any excess of said deductions, other than the deduction under said subparagraph (6) of said paragraph (a) of said Part B of said section three, and any resulting Part B net loss may then be applied against Part C income. The total exemptions allowable under said Part B of said section three shall first be applied against Part B income and any excess exemptions shall then be applied against Part C income and lastly against Part A income as provided and limited by paragraph (b) of Part A of said section three.

For purposes of this section Massachusetts bank interest means those interest and dividends as defined in subparagraph (A) of paragraph (1) of subsection (b) of section two of said chapter sixty-two.

The provisions of this section shall not in any way affect or modify the exemption provided in paragraph (a) of section five of said chapter sixty-two.

During the period that the provisions of section eighteen and this section are in effect, Part B income as referred to in said chapter sixty-two, except as modified herein, shall include Part B income and Part C income, both as defined herein.

SECTION 20. Notwithstanding the provisions of any special or general law to the contrary, the provisions of this section shall limit the growth of state spending in any fiscal year ending on or after June thirtieth, nineteen hundred and ninety-one.

The words in this section shall have the meanings attributed to them in section one of chapter twenty-nine of the General Laws, provided that the following three phrases shall have the following meanings unless the context clearly requires otherwise:-

State revenue, all income collected and retained by the state as defined in said section one of said chapter twenty-nine; provided that net transfers to the budgetary funds shall also be included; provided that any extraordinary transfers shall not be included in the amount of net transfers; provided, further, that federal grants shall not be included; and provided, further, that both encumbered and unencumbered monies from a prior fiscal year shall not be included, provided, further, that revenue derived by section eighteen of the act shall not be included.

"State spending", all expenditures by the state from budgetary funds, including debt service accounts, and all expenditures from revenue retention accounts; provided that expenditures from bond funds, federal reimbursements for capital expenditures, trust funds, and federal grants shall not be included.

"Steady-state budgeting", a restriction on the growth of state spending in any fiscal year to a five percent increase over the amount of state revenue collected in the previous fiscal year.

Notwithstanding any of the provisions of section five B of said chapter twenty-nine to the contrary, the commissioner of administration shall annually on or before August fifteenth prepare an estimate of the total amount of state revenue to be collected in the then current fiscal year and the amount of state spending to be allowed in the subsequent fiscal year, such amount to be equal to a five percent increase over the total of state revenue estimated for the then current fiscal year. The commissioner shall notify the house and senate committees on ways and means of the amounts so determined. The commissioner may from time to time recalculate the amount of state spending allowed pursuant to steady-state budgeting for the subsequent year and shall notify said committees of any such recalculation.

The governor shall recommend an annual budget which limits state spending for the next fiscal year to an amount equal to a five percent increase over the then current fiscal year expected state revenue total.

The house and senate committees on ways and means shall also recommend to their respective chambers of the general court an annual budget which limits state spending for the next fiscal year to an amount equal to a five percent increase over the then current fiscal year expected state revenue total.

The main appropriation act enacted by the general court shall also limit state spending for the fiscal year to an amount equal to a five percent increase over the previous fiscal year state revenue total. If in the opinion of the governor, such main appropriation act does not meet the requirements of steady-state budgeting, then the governor shall reduce items so that said requirements shall be met, subject to the requirements of Section 5 of Article LXIII of the Amendments to the Constitution.

The governor and the general court shall continue to take steps necessary throughout the fiscal year to limit state spending to an increase of five percent over the prior year state revenue amount. No supplemental appropriation act shall be approved which will increase state spending above the steady-state budgeting limit.

SECTION 21. In the fiscal year ending June thirtieth, nineteen hundred and ninety, the department of public welfare is hereby authorized to expend the amount of four hundred and eighty-eight million dollars for services provided in prior fiscal years to recipients of the medical assistance program established by chapter one hundred and eighteen E of the General Laws; provided that not less than two hundred eighty-three million dollars of said amount shall be expended for the payment of nursing home and hospital settlements and retroactive rate adjustments under said medical assistance program for fiscal years nineteen hundred and eighty-five to nineteen hundred and eighty-eight, inclusive, as approved by the rate setting commission; and provided, further, that not more than two hundred and five million dollars of said amount shall be expended for services provided to said recipients in fiscal year nineteen hundred and eighty-nine.

The amounts appropriated by this section shall be in addition to any previous or subsequent appropriations for said medical assistance program. All expenditures pursuant to this section shall be made from and charged to the Medical Assistance Liability Fund established by this act.

SECTION 22. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Liability Reduction Fund. The Commonwealth Liability Reduction Fund shall consist of all revenues received by the commonwealth under the provisions of section eighteen of this act until the purposes of said fund have been satisfied and any income derived from the investment of amounts credited to said fund. Expenditures from the Commonwealth Liability Reduction Fund are hereby authorized for the purposes of debt service payments attributable to the Commonwealth Liability Reduction Loan, Act of 1989, so-called, and of certain debt service payments attributable to the Medical Assistance Liability Loan, Act of 1989, so-called, as further provided for in this section. All revenues credited to the Commonwealth Liability Reduction Fund shall remain in said fund to be held in trust and used solely and without further appropriation for the purposes set forth herein.

There shall also be established and set up on the books of the commonwealth a separate fund to be known as the Medical Assistance Liability Fund. The Medical Assistance Liability Fund shall consist of all revenues received by the commonwealth (1) from the sale of bonds and notes authorized pursuant to the Medical Assistance Liability Loan, Act of 1989, so-called, (2) under the provisions of section eighteen of this act after the purposes of the Commonwealth Liability Reduction Fund have been satisfied, (3) from the federal government as federal financial participation pursuant to Title XIX of the Social Security Act on account of any payments made from the Medical Assistance Liability Fund, and (4) any income derived from the investment of amounts credited to the Medical Assistance Liability Fund. Expenditures from the Medical Assistance Liability Fund are hereby authorized for the purposes of (1) payments under the medical assistance program as provided for in section twenty-one of this act and (2) debt service payments attributable to the Medical Assistance Liability Loan, Act of 1989, so-called, as further provided for in this section. All revenues credited to the Medical Assistance Liability Fund shall remain in said fund to be held in trust and used solely and without further appropriation for the purposes set forth herein.

All expenditures from the Commonwealth Liability Reduction Fund and the Medical Assistance Liability Fund shall be made in accordance with a schedule of payments and receipts established by the commissioner of administration after consultation with the commissioner of revenue, the commissioner of public welfare, and the state treasurer; provided, that said schedule, and any revision thereto, shall be filed by the commissioner of administration with the house and senate committees on ways and means on a monthly basis and prior to any such expenditures.

All revenues received by the commonwealth under the provisions of section eighteen of this act shall be deposited into the Commonwealth Liability Reduction Fund as soon as possible but not later than on a monthly basis until such date as the commissioner of administration, after consultation with the state treasurer, shall certify that sufficient monies are available in said fund, or will become available by adding futures earnings on such monies in said fund, to meet debt service payments attributable to the Commonwealth Liability Reduction Loan, Act of 1989, so-called, in a timely manner and to meet any other obligation of said fund. Upon such date so certified, all revenues received by the commonwealth under the provisions of section eighteen of this act shall be deposited into the Medical Assistance Liability Fund as soon as possible but not later than on a monthly basis. Prior to such date so certified, expenditures may be made from the Commonwealth Liability Reduction Fund for the purpose of meeting debt service payments attributable to the Medical Assistance Liability Loan, Act of 1989, so-called, in a timely manner. Subsequent to such date so certified, expenditures may be made from the Medical Assistance Liability Fund for the purpose of meeting debt service payments attributable to the Commonwealth Liability Reduction Loan, Act of 1989, so-called, in a timely manner, if monies in the Commonwealth Liability Reduction Fund prove to be insufficient.

Except as otherwise provided herein, no transfers shall be allowed among the Commonwealth Liability Reduction Fund and any other funds including the General Fund nor among the Medical Assistance Liability Fund and any other funds including the General Fund. The unexpended balance remaining in the Commonwealth Liability Reduction Fund after payment of all obligations attributable to the Commonwealth Liability Reduction Loan, Act of 1989, so-called, shall be transferred to the Medical Assistance Liability Fund. Any unexpended balance remaining in the Medical Assistance Liability Fund shall remain in said fund and shall not revert to the General Fund or any other fund.

SECTION 23. Notwithstanding the provisions of any general or special law to the contrary, any employee of the commonwealth who received during the fiscal year nineteen hundred and eighty-nine a total gross compensation from the commonwealth equal to or in excess of sixty thousand dollars shall not receive during fiscal year nineteen hundred and ninety any compensation in excess of the compensation received by such employee in fiscal year nineteen hundred and eighty-nine; provided, however, that this section shall not apply to any such employee whose employment position has changed.

SECTION 24. The house committee on ways and means shall conduct a study on the utilization rates and the costs incurred by the commonwealth in maintaining the Medicaid, aid to families with dependent children, and general relief programs. Said study shall examine past and recent caseload trends in the Aid for Dependent Children and GR programs, and shall focus particularly on recent caseload increases and associated cost increases. Said study shall also examine the rapidly increasing costs associated with the Medicaid program, and shall recommend savings initiatives to control these costs. The committee shall hold public hearings as necessary to facilitate said study. The committee shall complete said study on or before January first, nineteen hundred and ninety.

SECTION 25. Notwithstanding any special or general law to the contrary, any city with a population of no greater than thirty-five thousand persons, as determined by the secretary of state in the nineteen hundred and eighty-five census, which received an equal educational opportunity grant in fiscal year nineteen hundred and eighty-nine, and is eligible to receive a grant pursuant to item 3000-0302 of section two of the general appropriation act for fiscal year nineteen hundred and ninety is hereby required to maintain a level of expenditure for its public schools in fiscal year nineteen hundred and ninety at a dollar amount at least equal to that spent in fiscal year nineteen hundred and eighty-nine; provided that for the purpose of

determining said expenditure level, any fringe benefit costs, including, but not limited to, costs for health insurance premiums and retirement benefits shall not be taken into consideration; provided further, that the commissioner of education shall be responsible for determining which school systems are affected by this section; provided further, that the commissioner of the department of revenue, in conjunction with the division of local services within the department of revenue, shall be responsible for determining compliance with this section; provided further that any city which fails to comply with the provisions of this section shall not receive any state funds pursuant to chapter seventy of the General Laws, pursuant to line-item 0611-5500 of the general appropriation act for fiscal year nineteen hundred and ninety, or pursuant to item 1599-3800 of the general appropriation act for fiscal year nineteen hundred and ninety; and provided further, that the provisions of this section shall not apply to any city which does not receive in fiscal year nineteen hundred and ninety a grant pursuant to chapter seventy of the General Laws and pursuant to item 0611-5500 of section two of the general appropriation act for fiscal year nineteen hundred and ninety of an amount equal to or greater than the grant received in fiscal year nineteen hundred and eighty-nine pursuant to said items.

SECTION 26. Section seventy-nine of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety, is hereby repealed.

SECTION 27. Section 2C of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety is hereby amended by striking out item 9081-0501 and inserting in place thereof the following item:-

Department of Employment and Training.

9081-0501 The commissioner of the department of employment and training may expend revenues received pursuant to section fourteen H of chapter one hundred and fifty-one A of the General Laws as inserted by section two of chapter nineteen of the acts of nineteen hundred and eighty-nine, in an amount not to exceed seven hundred thirteen thousand dollars, for the costs of administering the reemployment and job placement fund and contributions, including an amount as determined by the United States Secretary of Labor in accordance with federal cost rules, if applicable, pursuant to said section $534,750

SECTION 28. The rate setting commission and the department of public welfare shall within one hundred and twenty days of the effective date of this act certify and approve any outstanding rates or settlements for hospitals for hospital fiscal years nineteen hundred and eighty-five, nineteen hundred and eighty-six, nineteen hundred and eighty-seven, and nineteen hundred and eighty-eight and determine the cumulative obligations resulting from said rates or settlements; provided further that if said nineteen hundred and eighty-eight rates or settlements can not be determined within one hundred and twenty days, the rate setting commission shall document the reasons why said rates and settlements can not be determined and file said reasons with the clerks of the house of representatives and the senate.

SECTION 29. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety, is hereby amended by striking out item 1107-2400 and inserting in place thereof the following item:-

1107-2400 For the office of handicapped affairs, including not more than fifteen positions $660,000

SECTION 30. Section two of the general appropriation act is hereby amended by inserting after item 8000-0160 the following item:-

Architectural Access Board.

8000-0500 For the expenses of the board, including not more than seven positions $217,000

SECTION 31. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety is hereby amended by striking out item 3722-9018 and inserting in place thereof the following item:-

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 further, that the secretary may enter into contracts directly with public housing tenant organizations for not less than two hundred and eight thousand dollars, including not more than two positions $5,525,000

SECTION 32. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety is hereby amended by striking out item 4800-0030 and inserting in place thereof the following item:-

4800-0030 For the delivery of foster care services and the parenting partnership program to children in the care of the department, including not more than two thousand four hundred and fifty children in care for more than twenty-four months, including the provision of foster care subsidies, services to foster families and reimbursements to foster parents for extraordinary expenses incurred; provided, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund $38,100,000

SECTION 33. Section two of the general appropriation act for the period ending June thirtieth, nineteen hundred and ninety, is hereby amended by striking out item 7061-1000 and inserting in place thereof the following item:-

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-eight or prior years was less than eighty-five percent of the state average of such expenditures, pursuant to chapter seventy A of the General Laws; provided, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school district or independent vocational school and held as a separate account and shall be expended by the school committee of such city, town, regional school district or independent vocational school without appropriation, notwithstanding the provisions of any general or special law to the contrary $110,000,000

Local Aid Fund 100.0%

SECTION 34. Any correction facility, constructed on the property of Western Massachusetts Hospital that was temporarily transferred from the use of the department of public health to the use of the department of correction for a term of less than five years for a temporary correctional facility, shall cease to operate thirty days after the opening of the permanent jail replacing the present correction facility at York Street in the city of Springfield or after renovations to expand the existing jail at York Street in the city of Springfield are completed, whichever comes first.

SECTION 35. Section 78 of chapter 6A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the third paragraph and inserting the following paragraph:-

Any hospital which predominantly limits its admissions to patients under active diagnosis and treatment of eyes, ears, nose, and throat, may, at its option, annually 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.

SECTION 36. The second paragraph of paragraph (c) of section 80 of said chapter 6A, as so appearing, is hereby amended by inserting after the word "Cod", in line 69, the words:- , Massachusetts Eye and Ear Infirmary.

SECTION 37. Paragraph (f) of said section 80 of said chapter 6A, as so appearing, is hereby amended by adding the following clause:-

(vii) the Massachusetts Eye and Ear Infirmary may elect to have its Inpatient Volume Adjustment calculated in accordance with Hospital Agreement 31; provided, however, that the hospital shall have a downside corridor of five percent in its fiscal year nineteen hundred and eighty-eight, and seven percent in each succeeding fiscal year.

SECTION 38. The second paragraph of paragraph (c) of section 81 of said chapter 6A, as so appearing, is hereby amended by adding the following sentence:- The Massachusetts Eye and Ear Infirmary shall be exempted from said volume adjustment if an election was made to have its inpatient volume adjustment allowances calculated in accordance with hospital agreement thirty-one as described in paragraph (f) of said section eighty.

SECTION 39. Section 99 of said chapter 6A, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any provisions of this section to the contrary, any nonprofit hospital service corporation, as defined in chapter one hundred and seventy-six A, shall be liable for, and required to timely pay to any comprehensive cancer center, the nonprofit hospital services corporation's share of the compliance carry-forward from Hospital Agreements 29 and 30; provided, however, that the total liability of such nonprofit hospital service corporation under this sentence shall not exceed six hundred thousand dollars.

SECTION 40. Paragraph (b) of section 100 of said chapter 6A, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

An eye and ear hospital must annually elect to have its payments governed by this section or payments to the hospital shall be governed by sections seventy-nine to eighty-eight, inclusive.

SECTION 41. The second paragraph of section 33 of chapter 21 of the General Laws, as so appearing, is hereby amended by striking out clause (iv) and inserting in place thereof the following clause:- (iv) that in the event that a combined sewer outfall project or a project eligible for such a federal grant has not been awarded a federal grant, the division may, in fiscal years nineteen hundred and eighty-six through nineteen hundred and ninety-four, inclusive, award a grant of up to seventy percent of the eligible costs of such project.

SECTION 42. Paragraph (b) of section 30 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out the definition of "Public body" and inserting in place thereof the following definition:-

"Public body", the commonwealth, and any body politic and corporate of the commonwealth, including any political subdivision or instrumentality thereof, which is empowered to issue bonds secured by a pledge of revenues or other special funds or assets, including any municipality or district for which the issuance of debt is governed or limited by the provisions of chapter forty-four.

SECTION 43. Said paragraph (b) of said section 30 of said chapter 23A, as so appearing, is hereby further amended by striking out the definition of "Institution" and inserting in place thereof the following definition:-

"Institution", a nonprofit corporation organized to operate a facility or facilities that provide cultural or educational services, but not including (i) a nonprofit hospital within the commonwealth licensed by the department of public health, (ii) a nonprofit health maintenance organization within the commonwealth licensed by the commissioner of insurance, and (iii) a nonprofit nursing home within the commonwealth licensed by the department of public health; provided, however, that any such hospital, health maintenance organization, or nursing home shall be considered to be an institution for the purposes of financing any project approved by the board on or before September first, nineteen hundred and eighty-nine; provided, further, that any such hospital, health maintenance organization, or nursing home shall be considered to be an institution for the subsequent refinancing or refunding of any project approved by the board on or before September first, nineteen hundred and eighty-nine; and provided, further, that nothing in this definition shall be construed to limit the power or authority of the agency to provide financing to any person which is otherwise authorized by this chapter or any other provision of law.

SECTION 44. Paragraph (c) of section 35 of said chapter 23A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The agency may issue bonds for the purpose of financing such lending.

SECTION 45. Chapter 29 of the General Laws is hereby amended by inserting after section 5D the following section:-

Section 5E. At the close of each fiscal year, the comptroller shall determine the amounts expended during the fiscal year for the maintenance and administration of the several funds of the commonwealth by the office of the state comptroller, including costs incurred by the treasury and the auditor, and including fringe benefit costs. On the basis of said determination, the comptroller shall charge each fund for its proportion of maintenance and administration costs expended from the General Fund. Said charges are to be based upon an allocation plan developed by the comptroller and approved by the commissioner of administration and finance. Said plan shall consider such factors as volume of fiscal activity, including payroll and other factors, as the comptroller deems appropriate. The amounts so charged shall be credited to the General Fund.

SECTION 46. Section 1 of chapter 62 of the General Laws, as appearing in the 1988 Official Edition, is hereby 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 47. Paragraph (1) of subsection (a) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (E) and inserting in place thereof the following subparagraph:-

(E) Amounts excluded under Subchapter S of the Code with respect to a federal S corporation which is subject to taxation under this chapter as a corporate trust.

SECTION 48. Paragraph (2) of said subsection (a) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (B) and inserting in place thereof the following subparagraph:-

(B) Amounts included under Subchapter S of the Code with respect to a federal S corporation which is subject to taxation under this chapter as a corporate trust.

SECTION 49. Paragraph (1) of subsection (d) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (J) and inserting in place thereof the following subparagraph:-

(J) Any deduction allowed by Subchapter S of the Code with respect to a federal S corporation which is subject to taxation under this chapter as a corporate trust.

SECTION 50. Paragraph (b) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out clause (v).

SECTION 51. Paragraph (c) of section 8 of said chapter 62, as so appearing, is hereby amended by adding the following paragraph:-

Dividends on shares of any corporate trust subject to taxation under this chapter and which is a federal S corporation shall also be exempt from taxation.

SECTION 52. Section 17A of said chapter 62, as so appearing, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) The provisions of this section shall not apply to shareholders of an S corporation which is subject to taxation as a corporate trust under this chapter.

SECTION 53. Chapter 63 of the General Laws is hereby amended by striking out section 32D, as so appearing, and inserting in place thereof the following section:-

Section 32D. Any domestic business corporation or foreign corporation subject to tax under section thirty-two or thirty-nine which is an S corporation, as defined under section thirteen hundred and sixty-one of the Federal Internal Revenue Code, as amended and in effect for the taxable year, shall determine the net income measure of the excise as follows:

(a) Such net income shall be determined by taking into account the provisions of Subchapter S of said Code. Income or loss shall be determined as if it were realized or incurred directly by an individual subject to taxation under chapter sixty-two. Income shall be includible in the net income measure under this subsection to the extent that such income is taxed to the S corporation for federal income tax purposes; and

(b) Any such domestic business corporation or foreign corporation which is an S corporation and which has total receipts for the taxable year of six million dollars or more shall also include in the net income measure of the excise imposed under section thirty-two or thirty-nine an amount determined by multiplying its net income determined to be taxable in accordance with the provisions of this chapter by one of the following rates, in lieu of the rate provided in such section thirty-two or thirty-nine:

(1) If total receipts for the taxable year are at least six million dollars but less than nine million dollars, two and sixty-three one hundredths percent; and

(2) If total receipts for the taxable year are nine million dollars or more, three and ninety-five one hundredths percent.

For purposes of this subsection, net income determined to be taxable in accordance with the provisions of this chapter shall be determined without taking into account the provisions of Subchapter S of said Code, and shall not include income that is taxed to the S corporation at the entity level under subsection (a). "Total receipts" mean gross receipts or sales, less returns and allowances, and includes dividends, interest, royalties, capital gain net income, 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. The commissioner shall, by regulation, apply such limits on an aggregate basis to S corporations engaged in a unitary business with majority direct or indirect ownership by common stockholders. Such aggregating shall also include any other type of entity so engaged and so owned which the commissioner finds was established or the purpose of avoiding the foregoing limits.

SECTION 54. Section 40 of chapter 131 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No person shall remove, fill, dredge or alter any bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without filing written notice of his intention to so remove, fill, dredge or alter, including such plans as may be necessary to describe such proposed activity and its effect on the environment and without receiving and complying with an order of conditions and provided all appeal periods have elapsed. Said notice shall be filed by delivery in hand to the conservation commission or its authorized representative or by certified mail, return receipt requested, to said commission, or, if none, to the board of selectmen in a town or the mayor of a city in which the proposed activity is to be located. Upon such filing, the receipt of such notice shall be acknowledged in writing on the face thereof and shall include the time and date so received. A person delivering said notice by hand shall be given a receipt in writing acknowledging the time and date of such filing. Copies of such notice shall be sent at the same time by certified mail to the department of environmental quality engineering. To defray state and local administrative costs each person filing such a notice shall pay a filing fee, determined on a sliding scale basis by the commissioner of administration after consultation with the secretary of environmental affairs. Fifty percent of any filing fee in excess of twenty-five dollars shall be made payable to the department of environmental quality engineering, in a manner to be determined by the commissioner of environmental quality engineering, at the same time as the copies of the notice are sent to the department of environmental quality engineering. The remainder of said fee shall be made payable to

the city or town; provided, that said remainder shall be expended solely by the local conservation commission for the performance of its duties under this chapter and shall accompany the copy of the notice sent to the city or town. No such notice shall be sent before all permits, variances, and approvals required by local by-law with respect to the proposed activity, which are obtainable at the time of such notice, have been obtained, except that such notice may be sent, at the option of the applicant, after the filing of an application or applications for said permits, variances, and approvals; provided, that such notice shall include any information submitted in connection with such permits, variances, and approvals which is necessary to describe the effect of the proposed activity on the environment. Upon receipt of any notice hereunder the department of environmental quality engineering, hereinafter called the department, shall designate a file number for such notice and shall send a notification of such number to the person giving notice to the conservation commission, selectmen or mayor to whom the notice was given. Said notification shall state the name of the owner of the land upon which the proposed work is to be done and the location of said land.

SECTION 55. The first paragraph of section 13 of chapter 136 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "seventeenth", in line 5, the words:- , the second Monday in October after the hour of twelve noon.

SECTION 56. The second paragraph of said section 13 of said chapter 136, as so appearing, is hereby amended by inserting after the word "eleventh", in line 9, the words:- , the second Monday in October.

SECTION 57. The first paragraph of section 13 of chapter 136 of the General Laws, as so appearing, is hereby amended by inserting after the word "seventeenth", in line 5, the words:- , the second Monday in October after the hour of twelve noon.

SECTION 58. The second paragraph of said section 13 of said chapter 136, as so appearing, is hereby amended by inserting after the word "eleventh", in line 9, the words:- , the second Monday in October.

SECTION 59. Chapter 208 of the General Laws is hereby amended by striking out section 34, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 34. Upon divorce or upon a complaint in an action brought at any time after a divorce, whether such a divorce has been adjudged in this commonwealth or another jurisdiction, the court of the commonwealth, provided there is personal jurisdiction over both parties, may make a judgment for either of the parties to pay alimony to the other. In addition to or in lieu of a judgment to pay alimony, the court may assign to either husband or wife all or any part of the estate of the other. In determining the amount of alimony, if any, to be paid, or in fixing the nature and value of the property, if any, to be so assigned, the court, after hearing the witnesses, if any, of each party, shall consider the length of the marriage, the conduct of the parties during the marriage, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court may also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates and the contribution of each of the parties as a homemaker to the family unit. 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 60. Section 9 of chapter 209C of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) If the court finds that a parent is chargeable with the support of a child, the court shall make an order in accordance with subsection (c) requiring a parent to pay weekly or at other fixed periods a sum for and toward the current support and maintenance of such child. An order or judgment of support pursuant to this chapter may be entered notwithstanding the default of the defendant or his failure to appear personally. When the court makes 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. In addition, the court may order one party to pay the other party including the department of public welfare a sum for past support including payment for medical expenses consistent with the provisions of subsection (f).

SECTION 61. Section 4 of chapter 212 of the acts of 1975 is hereby amended by striking out clause (k), as amended by section 3 of chapter 738 of the acts of 1987, and inserting in place thereof the following clause:-

(k) take possession and manage on behalf of the commonwealth or acquire on its own behalf lands, improvements thereon, and related personal property, hereinafter called lands, or an interest therein, (1) from the United States, which lands, or interest therein, were used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex, the Boston Army Base and all other lands owned by the United States and used in connection with or for purposes related to the operations of the Boston Naval Shipyard or the Boston Army Base, subject to such restrictions as may be imposed on such acquisition by the United States, and including, without limitation, any other property of the United States lying within the commonwealth and declared surplus by the United States, subject to such restrictions as may be imposed on such acquisition by the United States, hereinafter called the federal surplus lands; (2) from the commonwealth any lands which have been determined to be surplus to direct public uses by the commonwealth or by public agencies, hereinafter called state surplus lands; (3) lands declared decadent, substandard or blighted open areas by the bank, which lands shall include, but not be limited to, areas that are of such a character that they are in essence detrimental to the safety, health, morals, welfare or sound growth of the community in which they are situated because fluctuations in the real estate market or a substantial change in business and economic conditions or practices have rendered the sale or efficient use of existing, new or renovated buildings or facilities thereon impractical without the aids provided herein, or because of an abandonment or cessation of a previous use thereon or the abandonment or cessation of work on improvements, facilities or buildings begun thereon but not feasible to complete or sell without the aids provided herein, or because of any combination of the foregoing reasons or other conditions not being remedied by the ordinary operations of private enterprise, hereinafter called blighted lands; and (4) lands declared appropriate by the bank for the establishment, development, improvement, redevelopment, stabilization, operation or maintenance of small business incubator facilities, including, without limitation, existing small business incubator facilities, hereinafter called incubator development lands.

SECTION 62. Said section 4 of said chapter 212 is hereby further amended by striking out clause (q), as amended by section 5 of said chapter 738, and inserting in place thereof the following clause:-

(q) make and administer loans, provide credit enhancement whether by loan guaranties, letters of credit, insurance or otherwise, and grants of its funds to persons, including without limitation governmental agencies and instrumentalities, and sell participations in said loans or purchase participations in the loans of others, for the acquisition, development,

redevelopment, improvement or use of lands described in clause (k), for the construction, rehabilitation, improvement, demolition or maintenance of buildings thereon, for the acquisition, establishment, development, redevelopment, stabilization, management, improvement, maintenance or operation of small business incubator facilities thereon, including, without limitation existing small business incubator facilities, for funding of operating and replacement reserves for such small business incubator facilities, for the capitalization or stabilization of present or future occupants of such small business incubator facilities, and for any other use or purpose necessary or convenient for carrying out the powers expressly granted by this act, on such terms as the bank may determine to be necessary and consistent with the provisions of this act; provided, however, that any new building construction for a small business incubator facility shall only be considered after exhausting all available alternatives of redevelopment, stabilization and improvement of existing blighted, decadent, distressed and substandard properties.

SECTION 63. Said chapter 212 is hereby further amended by striking out section 7A, as amended by section 9 of said chapter 738, and inserting in place thereof the following section:-

Section 7A. The bank may make grants and undertake financing transactions as provided in clause (q) of section four only upon the approval by the bank of an application containing the following information:

(a) identification of the applicant;

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

(c) a description of how the bank's interest will be secured; and

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

No such application shall be approved by the bank unless the bank finds that the project represented in such application provides for the capitalization or stabilization of a business that is or will be located in a small business incubator facility or for the acquisition, development, improvement, redevelopment, operation, maintenance or use of lands, in whole or in part, or the construction, rehabilitation, demolition or maintenance of the buildings thereon, or the acquisition, establishment, development, improvement, redevelopment, stabilization, management or operation of small business incubator facilities thereon, substantially for industrial, commercial or residential uses which will prevent or eliminate blight, economic dislocation, economic distress or unemployment, or for the construction, rehabilitation or maintenance upon such lands of decent, safe and sanitary housing, at least twenty-five percent of which will be made available to persons of low and moderate income, or for such other public purposes as the bank may determine are generally consistent with the provisions of this act; that such project is consistent with the sound needs of the locality as a whole, with particular regard to the prevention of blight, economic dislocation, economic distress or unemployment, or the alleviation of the shortage of such housing; that such project is financially sound; and that such project meets such other requirements as the bank may by regulation establish.

SECTION 64. Section 8B of said chapter 212 is hereby further amended by striking out the second paragraph, as amended by section 11 of chapter 738 of the acts of 1987, and inserting in place thereof the following paragraph:-

Amounts received by the bank from debt obligations issued pursuant to this act shall be used for the purposes of acquisition, holding, protection, maintenance, repair, stabilization, operation, management, development, redevelopment, improvement and use of lands described in clause (k) of section four, for making grants and undertaking financing transactions as provided in clause (q) of said section four, for the acquisition of stock, options or warrants as provided in clause (s) of said section four, for refunding other such debt obligations, or for provision of personnel and administrative costs of the bank as provided by this act.

SECTION 65. Item 1599-0103 in section 2 of chapter 188 of the acts of 1984 is hereby amended by inserting after the word "eighty-four", as appearing in section 3 of chapter 54 of the acts of 1985, the words:- and June twenty-third, nineteen hundred and eighty-nine,- by inserting after the word "towns", in line 5, the words:- and to meet the costs certain damages

suffered by certain cities and towns in Worcester County suffered as result of a storm on July tenth, nineteen hundred and eighty-nine,- and by inserting after the word "damage", in line 14, the words:- provided, however that all agricultural flood damage restoration and prevention work carried out under the provisions of this item shall be deemed emergency measures and need comply only with applicable laws and regulations in effect as of June fourth, nineteen hundred and eighty-four.

SECTION 66. The fourth paragraph of section 1 of chapter 786 of the acts of 1985, as most recently amended by section 45 of chapter 208 of the acts of 1988, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following two sentences:- Any funds up to the twenty million dollar annual ceiling left unobligated or unexpended in any fiscal year shall be carried over and shall be available for expenditure through fiscal year nineteen hundred and ninety-four. Any funds obligated but not expended prior to the close of any fiscal year through nineteen hundred and ninety-four shall remain available after the close of said fiscal year for expenditure in accordance with such obligation.

SECTION 67. Section 1 of chapter 614 of the acts of 1985 is hereby amended by striking out, in line 15, the word "eighty-nine" and inserting in place thereof the word:- ninety-one.

SECTION 67A. Item 0185-7816 of section 2 of chapter 206 of the acts of 1986 is hereby amended by striking out the wording and inserting in place thereof the following:-

For a study by the senate committee on ways and means relative to United States federal court consent decrees concerning certain agencies of the commonwealth and other expenses.

SECTION 68. Section 4 of chapter 564 of the acts of 1987 is hereby amended by inserting after the word "purpose", in line 6, the words:- ; provided, however, that not more than three hundred seventy-five thousand dollars shall be expended for the purposes of improved planning and for coastal improvements in the Buzzards Bay Area; provided further, that not less than seventy-five thousand dollars of said amount be expended and made available to the Buzzards Bay Project in fiscal year nineteen hundred and ninety; provided further, that for the purposes of this section, said Project shall be deemed an entity eligible to receive such funds, notwithstanding the provisions of sections three to seven of chapter twenty-one F of the General Laws.

SECTION 69. Item 7070-0065 of section 2 of chapter 105 of the acts of 1988 is hereby amended by striking out the wording and inserting in place thereof the following:-

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 students of institutions of higher education supported by the commonwealth as set forth in section seven of chapter fifteen A of the General Laws shall not apply to scholarships awarded hereunder; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-nine; provided, however, that money allocated for scholarship purposes which was held

by Roxbury Community College and not utilized for scholarship purposes in an amount not to exceed two hundred and seventy-five thousand dollars may be reallocated by the board of regents of higher education for use by Roxbury Community College for the administration and maintenance of Roxbury Community College.

SECTION 70. Item 0185-7817 of section 2 of chapter 164 of the acts of 1988 is hereby amended by striking out the wording and inserting in place thereof the following:-

For studies by the senate committee on ways and means relative to operational efficiency of state government and other expenses.

SECTION 71. Section 2 of chapter 142 of the acts of 1989 is hereby amended by striking out item 1599-3657 and inserting in place thereof the following item:-

1599-3624 For a reserve to meet the fiscal year nineteen hundred and eighty-eight and nineteen hundred and eighty-nine costs of salary adjustments and other economic benefits authorized by a certain supplemental agreement between the board of regents of higher education and the Massachusetts State College Association/Massachusetts Teachers Association; provided, that the secretary of administration and finance is hereby authorized to spend from the sum appropriated herein, and to transfer therefrom to other items of appropriation and allocations thereof from the fiscal years nineteen hundred and eighty-nine and nineteen hundred and ninety 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 costs 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 $514,000

SECTION 72. The provisions of sections fifty-five and fifty-six of this act shall expire on January first, nineteen hundred and ninety-two.

SECTION 73. The provisions of sections fifty-seven and fifty-eight of this act shall take effect as of January first, nineteen hundred and ninety-three.

SECTION 74. Sections fifty-nine and sixty of this act shall take effect as of April twenty-first, nineteen hundred and eighty-eight.

SECTION 75. The provisions of sections forty-six to fifty-three, inclusive shall apply to taxable years ending on or after December thirty-first, nineteen hundred and eighty-nine.

SECTION 76. The provisions of sections thirty-five, thirty-six, thirty-seven, thirty-eight and section forty of this act shall take effect as of October first, nineteen hundred and eighty-nine and all other sections shall take effect as of June thirtieth, nineteen hundred and eighty-nine, unless otherwise specified.

This bill was returned on July 26, 1989 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. Item disapproved:

8700-0001

SECTION 2. Item Reduced:

Item	Reduce to
4100-0011	13,000,000

Items disproved:

Sections 15, 17, 31, 39, and 65

Pursuant to Artical 56 of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and House of Representatives setting forth a recommended amendment to Section 23.

The remainder of the bill was approved by the Governor on July 26, 1989.

Chapter 288. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT CERTAIN EASEMENTS TO TENNESSEE GAS PIPELINE COMPANY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the division of capital planning and operations, to grant additional easements to Tennessee Gas Pipeline Company for the installation of gas transmission lines across lands of the commonwealth, its agencies, and its political subdivisions in order to increase the supply of natural gas and to allow for the conversion of certain wood and coal burning electrical production plants to gas burning plants, it is therefore declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting in consultation with the board of regents of higher education and the board of trustees of state colleges for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a thirty foot wide permanent easement over a parcel of land located in the town of Lancaster adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of said board of regents, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement, as shown on the plan of land described below. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tennessee Gas Pipeline Company, proposed right-of-way crossing, board of regents of higher education, board of trustees of state colleges, Worcester county, Massachusetts, TB-L12-E268A-100-35", on file with said board of regents of higher education and board of trustees of state colleges, which shall be recorded in the Worcester district registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 2. The division of capital planning and operations, acting in consultation with the division of fisheries and wildlife for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a fifteen foot wide permanent easement over a parcel of land located in the town of Bolton adjacent

to an existing easement owned by said Tennessee Gas Pipeline Company across land in said town under the control of said division, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to said proposed permanent easement northerly and easterly thereof. The right to use said temporary work space shall expire upon completion of construction. Said land, presently being used for conservation purposes, is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The Commonwealth of Massachusetts, Division of Fisheries & Wildlife Property, Worcester County, Massachusetts, TB-L12-E268A-100-5.00", on file with said division, which shall be recorded in the Worcester district registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 3. The division of capital planning and operations, acting in consultation with the department of environmental management for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a fifty foot wide permanent easement over a parcel of land located in the town of Douglas and under the control of said department, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to and northeast of said parcel, as shown on the plan of land described below. The right to use said temporary work space shall expire upon completion of construction. Said land, presently being used for conservation and recreation purposes, is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The Commonwealth of Massachusetts Property, Worcester County, Massachusetts, TB-L12-E265E-100-70", on file with said department, which shall be recorded in the Worcester district registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 4. The division of capital planning and operations, acting in consultation with the department of environmental management for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a fifty foot wide permanent easement over a parcel of land located in the town of Sutton and under the control of the division of forests and parks in said department, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to and northeast of said parcel, as shown on the plan of land described below. The right to use said temporary work space shall expire upon completion of construction. Said land, presently being used for forestry purposes,

is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The Commonwealth of Massachusetts Property, Worcester County, Massachusetts, TB-L12-E265E-100-13", on file with said division which shall be recorded in the Worcester district registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of a twenty inch gas transmission pipeline which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 5. The division of capital planning and operations, acting in consultation with the department of environmental management, for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to Tennessee Gas Pipeline Company, a twenty foot wide permanent easement over a parcel of land located in the city of Pittsfield adjacent to and in addition to an existing easement owned by said Tennessee Gas Pipeline Company across land in said city under the control of said department, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to said proposed permanent easement northerly and easterly thereof. The right to use said temporary work space shall expire upon completion of construction. Said land, presently being used for forestry purposes, is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The Commonwealth of Mass. Prop. Berkshire County, Massachusetts, TE-L12-E256C-100-31" on file with the department of environmental management, which shall be recorded in the middle district registry of deeds in the county of Berkshire.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 6. The town of Burlington is hereby authorized to convey to the Tennessee Gas Pipeline Company a permanent easement not more than ten feet wide over a certain parcel of conservation land located in said town together with a temporary work space for construction purposes not more than twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, the Town of Burlington (Conservation Commission) Property, Middlesex County, Massachusetts, TE-L12-E270C-100-24", on file with the conservation commission of said town, which shall be recorded in the southern district registry of deeds in the county of Middlesex.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 7. The county of Hampden is hereby authorized to convey to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a certain parcel of land located in the town of Agawam presently used for public purposes together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tenneco Gas Transportation Company, Proposed Right-of-Way Crossing, The Hampden County Property, Hampden County, Massachusetts, TB-L12-T200-2-247", on file with the county of Hampden, which shall be recorded with the registry of deeds in the county of Hampden.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 8. The division of capital planning and operations, acting in consultation with the department of fisheries, wildlife and recreational vehicles for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a thirty-five foot and ten foot wide permanent easement over a parcel of land located in the city of Pittsfield adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land under the control of the department of fisheries, wildlife and recreational vehicles together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land, presently being used for conservation and recreation purposes, is described in a plan of land entitled "Tenneco Gas Transportation Company, Proposed Right-of-Way Crossing, The Commonwealth of Massachusetts Department of Fisheries and Wildlife Property, Berkshire County, Massachusetts, T.E.-L12-E256C-100-42.01", on file with said department which shall be recorded in the middle district registry of deeds in the county of Berkshire.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 9. The division of capital planning and operations, acting in consultation with the department of environmental management for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a twenty-five foot wide permanent easement over a parcel of land located in the town of Sutton adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of said department, together with a

temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land presently under the care, custody and control of said department, is described in a plan of land entitled "Tenneco Gas Transportation Company, Proposed Right-of-Way Crossing, The Commonwealth of Massachusetts Department of Conservation Property, Worcester County, Massachusetts, TB-L12-T200-2-532", on file with said department, which shall be recorded in the Worcester district registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 10. The town of Southampton is hereby authorized to convey to the Tennessee Gas Pipeline Company an eight foot wide permanent easement over a certain parcel of land located in said town presently used for refuse disposal together with a temporary work space for construction purposes twenty-five feet wide. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tenneco Gas Transportation Company, Proposed Right-of-Way Crossing the Inhabitants of the Town of Southampton Property, Hampshire County, Massachusetts, TB-L12-E260A-100-112", on file with said town, which shall be recorded in the registry of deeds in the county of Hampshire.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 11. The division of capital planning and operations, acting in consultation with the department of mental health for and on behalf of the commonwealth, is hereby authorized to grant by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a nine foot and ten foot wide permanent easement over a parcel of land located in the city of Northampton adjacent to an existing easement owned by said Tennessee Gas Pipeline Company under the control of said department, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement, as shown on the plan of land described below. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The Commonwealth of Massachusetts, Northampton State Hospital Property, Hampshire County, Massachusetts TB-L12-E-260A-100-17", on file with said department, which shall be recorded with the registry of deeds in the county of Hampshire.

Said easement shall be used for the installation and maintenance of additional

gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 12. The city of Peabody is hereby authorized to convey to the Tennessee Gas Pipeline Company a thirty foot wide permanent easement over a certain parcel of recreational land located in said city together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The City of Peabody Property, Essex County, Massachusetts, TB-L12-E270C-900-116.34", on file with said city, which shall be recorded in the southern district registry of deeds in the county of Essex.

Said easement shall be used for the installation and maintenance of a gas transmission pipeline which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 13. The city of Peabody is hereby authorized to convey to the Tennessee Gas Pipeline Company a thirty foot wide permanent easement over a certain parcel of recreational land located in said city, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The City of Peabody Property, Essex County, Massachusetts, TE-L12-E270C-900-117", on file with said city, which shall be recorded in the southern district registry of deeds in the county of Essex.

Said easement shall be used for the installation and maintenance of a gas transmission pipeline which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 14. The city of Peabody is hereby authorized to convey to the Tennessee Gas Pipeline Company a thirty foot wide permanent easement over a certain parcel of land located in said city, presently being used for water conservation purposes, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The City of Peabody Property, Essex County, Massachusetts, TB-L12-E270C-900-120", on file with said City of Peabody, which shall be recorded in the southern district registry of deeds in the county of Essex.

Said easement shall be used for the installation and maintenance of a gas transmission pipeline which shall be installed underground, together with appli-

ances and appurtenances necessary thereto.

SECTION 15. The town of Danvers is hereby authorized to convey to the Tennessee Gas Pipeline Company a thirty foot wide permanent easement over a certain parcel of land located in said town, presently being used for refuse disposal purposes, together with a temporary work space for construction purposes twenty-five feet wide, immediately adjacent to the area of the proposed permanent easement. The right to use said temporary work space shall expire upon completion of construction. Said land is described in a plan of land entitled "Tennessee Gas Pipeline Company, Proposed Right-of-Way Crossing, The Town of Danvers Property, Essex County, Massachusetts, TE-L12-E270C-124", on file with said town, which shall be recorded in the southern district registry of deeds in the county of Essex.

Said easement shall be used for the installation and maintenance of a gas transmission pipeline which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 16. In consideration for the easements authorized in sections one to fifteen, inclusive, the Tennessee Gas Pipeline Company shall convey to the respective grantors in fee simple a parcel or parcels of land determined to be equivalent to or in excess of the value of the easements granted or, if all grantors so desire, the Tennessee Gas Pipeline Company shall pay a fair market value price to be determined by one or more independent appraisals approved by said grantors with the costs thereof to be assumed by said Tennessee Gas Pipeline Company.

SECTION 17. Notwithstanding the foregoing provisions, it is recognized that state law prohibits the investment of state pension funds in companies doing business in South Africa or Namibia. It is also the policy of the commonwealth that no state agency shall procure goods or services originating in South Africa or Namibia or from companies doing business in said countries, unless the state purchasing agent or other authorized state agents consider such procurement essential to the needs of the commonwealth. It shall be the policy of the commonwealth that a commissioner or head of a state department may not grant to any person doing business in or with the Republic of South Africa the right to lay, construct, maintain or operate pipe lines through, over, across or under land, water, park, reservation or highway of the commonwealth, its agencies or its political subdivisions.

Sections one to sixteen, inclusive, of this act are hereby considered to be an exception to the aforestated policy.

SECTION 18. The division of capital planning and operations is hereby authorized to execute any deeds or other instruments that may be necessary to effectuate the conveyances authorized in sections six, seven, ten, twelve, thirteen, fourteen, and fifteen.

Approved July 26, 1989.

Chapter 289. **AN ACT AMENDING THE DEFINITION OF SPECIAL MUNICIPAL EMPLOYEE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow certain selectmen to be special municipal employees, 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 of chapter 268A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 73, the word "five" and inserting in place thereof the following word:- ten.

Approved July 26, 1989.

Chapter 290. **AN ACT PROVIDING FOR THE ELECTION OF SCHOOL COMMITTEE MEMBERS AT LARGE FOR FOUR YEAR TERMS IN THE CITY OF GARDNER.**

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Gardner shall consist of the mayor, who shall be chairman, and six persons who shall be elected at large by and from the registered voters of the city. At the biennial municipal election to be held in the year nineteen hundred and ninety-one there shall be elected three persons to serve for two years and three persons to serve for four years. At each biennial election thereafter there shall be elected three persons to serve for the term of four years.

SECTION 2. This act shall be submitted for acceptance to the voters of the city of Gardner at the biennial municipal election to be held therein 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 at said election:- "Shall an act passed by the General Court in the year nineteen hundred and eighty-nine, entitled 'An Act providing for the election of school committee members at large for four year terms in the City of Gardner', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

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

Approved July 26, 1989.

Chapter 291. **AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE SPECIAL TOWN MEETING OF THE TOWN OF HADLEY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all acts and proceedings of the town of Hadley at its special town meeting held on May eleventh, nineteen hundred and eighty-nine and all actions taken pursuant thereto are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the warrant and the calling of such town meeting.

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

Approved July 26, 1989.

Chapter 292. **AN ACT RELATIVE TO CERTAIN CREDITABLE SERVICE FOR EUGENE J. HURLEY, A SERGEANT IN THE CAPITOL POLICE.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 309 of the acts of 1983, as most recently amended by section 1 of chapter 339 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of any general or special law to the contrary, Eugene J. Hurley, a sergeant in the capitol police, is hereby authorized to continue in such position until and including July thirteenth, nineteen hundred and ninety-three, provided that he is mentally and physically capable of performing the duties of his office or position.

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

Approved July 26, 1989.

Chapter 293. **AN ACT AUTHORIZING THE TOWN OF WESTMINSTER TO TRANSFER CERTAIN PARK LAND TO THE CEMETERY DEPARTMENT OF SAID TOWN TO BE USED FOR CEMETERY PURPOSES.**

Be it enacted, etc., as follows:

The town of Westminster is hereby authorized to transfer from the land known as Hager park a certain parcel of land to the cemetery department of said town for use for cemetery purposes, which parcel of land is shown on a plan entitled: "Plan of Land in the Town of Westminster owned by the Town of Westminster Hager Park Commission to be transferred to the Town of Westminster Board of Cemetery Commissioners, surveyed by the Worcester County Engineering Dept., Submitted March 8, 1989, Scale: 1 inch = 80 ft." which plan is to be recorded in northern district registry of deeds in Worcester county.

Approved July 26, 1989.

Chapter 294. **AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF LUPUS AWARENESS MONTH.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15KKK, inserted by chapter 226 of the acts of 1989, the following section:-

Section 15LLL. The governor shall annually issue a proclamation setting apart the month of October as Lupus Awareness Month and recommending that said month be observed in an appropriate manner by the people.

Emergency Letter: July 27, 1989 @ 9:12 A.M. Approved July 26, 1989.

Chapter 295. **AN ACT AUTHORIZING THE TOWN OF MIDDLEBOROUGH TO RENT, LEASE, OR CONVEY CERTAIN LAND.**

Be it enacted, etc., as follows:

The town of Middleborough, acting by and through its board of selectmen, is hereby authorized to rent, lease or sell and convey under such terms and conditions as it deems proper all or part of a certain parcel of land with the building therein located in the towns of Middleborough and Plympton.

Said property is described in the deed of Donald W. Guidoboni and Mary L. Guidoboni to the town of Middleborough dated May 4, 1988 and recorded in the Plymouth county registry of deeds in Book 8431, Page 269.

Approved July 26, 1989.

Chapter 296. **AN ACT FURTHER REGULATING THE OPERATION OF MOTORBOATS.**

Be it enacted, etc., as follows:

Section 8 of chapter 90B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) No person shall, upon any waterway to which the public has a right of access, or upon any waterway to which members of the public have access as invitees or licensees, operates a motorboat recklessly or negligently or at a speed so that the lives and safety of the public might be endangered or upon a bet or wager or in a race and no person shall operate a motorboat for the purpose of making a record and thereby violate any provision of this section or any regulation promulgated hereunder which the director is hereby authorized to make and no person shall go away after knowingly colliding with or otherwise causing injury to any other motorboat or property or person without stopping and making known his name, residence and the registration number of his motorboat. Nothing in this section shall apply to any regatta or race otherwise authorized under the provisions of section eleven and the regulations promulgated thereunder.

Approved July 26, 1989.

Chapter 297. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE A CERTAIN PARCEL OF LAND IN THE TOWNS OF GRAFTON AND SHREWSBURY.

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease a certain parcel of land and buildings thereon located in the town of Grafton and Shrewsbury for a term not to exceed twenty years to the United States Department of Labor, subject to the requirements of sections two, three and four and to such additional terms and conditions as the deputy commissioner may prescribe.

The deputy commissioner of said division shall file with the clerk of the house of representatives who shall forward to the joint committee on state administration, and with the inspector general of the commonwealth a copy of the lease authorized by this act at least twenty business days prior to the execution thereof by said division. The inspector general shall review and file comments and any recommendations thereto to the joint committee on state administration within fifteen business days of the receipt of such lease by the inspector general and said

inspector general shall deliver a copy of such comments and recommendations to the division. Said lease, when executed by the deputy commissioner, shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with the provisions of this act. The deputy commissioner from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease for recording and any and all other agreements and instruments related to the lease authorized hereby which the division may determine appropriate from time to time. Any such notice or lease, lease instrument, or instruments, when executed by the deputy commissioner shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with this act. Said parcel is bounded and described as follows:

Beginning at a point where the town of Grafton, Shrewsbury and Westborough meet, and running southerly along the town boundary of the towns of Grafton and Westborough to a point where the said boundary intersects the north boundary of the Consolidated Railroad Corporation;

Thence running westerly along said railroad boundary to the point of intersection of the easterly side of Pine Street; thence running northeasterly along said easterly side of Pine Street in the town of Grafton and continuing along said street, now called Green Street in the town of Shrewsbury as it intersects the easterly side of Asylum Road to a point fifty feet north of the intersection of said easterly side of Asylum Road and the Grafton-Shrewsbury town line;

Thence running easterly along said town line to the point of beginning, containing fifty-two acres more or less and the buildings thereon.

SECTION 2. No lease conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such lease provides that said property be used for a job corps center.

SECTION 3. The recipient of said lease shall assume the costs of any appraisals, surveys and other expenses as deemed necessary by the deputy commissioner for the granting of this lease.

SECTION 4. If the aforementioned purpose as described in section two ceases at any time, said lease shall terminate under such terms and conditions as the deputy commissioner may prescribe.

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

Approved July 27, 1989.

Chapter 298. **AN ACT AUTHORIZING COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY TO BORROW MONEY FOR REMODELING, RECONSTRUCTING, AND FOR EXTRAORDINARY REPAIRS TO THE EXISTING COURT HOUSE AND HALL OF RECORDS.**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampshire county are hereby authorized to renovate and repair, furnish and equip the Hampshire county courthouse and Hall of Records.

Said renovations shall contain court rooms and facilities for the superior court, the probate court, and the district court, and shall house offices of the clerk of the superior court, the register of deeds, the register of probate, the clerk of the district court, the district attorney, the probation offices of said courts, the county extension service, the maintenance department, the county treasurer, the county commissioners, the law library, and offices for other present and future county agencies and departments.

SECTION 2. For the purposes set forth in section one, the treasurer of said county, with the approval of the county commissioners, may borrow from time to time upon the credit of the county such sums as may be necessary, not exceeding in the aggregate, one million five hundred thousand dollars, and may issue bonds or notes of the county thereof, which shall bear on their face the words, Hampshire County Court House Building Loan, Act of 1989. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the executive committee of the county commission. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. If the county is allotted a grant by the commonwealth or any agency or department thereof for the purposes authorized in section one, the county may incur debt that is required primarily to pay that proportion of the expense for which reimbursement is to be received from the commonwealth, such reimbursement first having been agreed upon by the commonwealth or such agency or department, in order to provide the necessary funds to meet the expense for which reimbursement is to be made, the treasurer of the county may, with the approval of commissioners, incur debt and issue notes therefor for a period not exceeding two years from their dates, and may refund the same from time to time; provided, however, that no loan shall be so refunded unless the commissioners shall certify in writing filed in the office of the treasurer, where it shall be open to inspection by the public, that at the time such loan is refunded, the county remains entitled to receive reimbursement in an amount at least equal to the amount of the refunding loan. The proceeds of such reimbursement shall be applied to the discharge of the loan, without the necessity of further appropriation. In the event the county shall no longer be entitled to receive reimbursement in an amount sufficient to pay all or any portion of a loan issued under this section at the time

such loan matures, the loan shall be paid from revenue funds of the county to the extent it can no longer be refunded under this section. A payment made by the county as provided in this section shall be reported by the treasurer to the commissioners, who shall include the amount so reported in the determination of the next annual assessment unless the county has otherwise made provision therefor. The loan authorization in section two shall be reduced by any grants received. Any grants received after the permanent financing authorized by section two shall be set aside and used solely for the payment of principal on the permanent financing.

SECTION 4. Chapter one hundred and twenty-six of the acts of nineteen hundred and seventy-seven is hereby repealed.

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

Approved July 27, 1989.

Chapter 299. **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 Francis D. Doris, as he is the Senator for the Suffolk, Essex, and Middlesex district, in the city of Revere on July twenty-eighth, nineteen hundred and eighty-nine between Barbara Ann Hickey of the city of Revere, and William Warren Gibalski of said city of Revere, and the state secretary shall issue to said Francis D. Doris in his capacity as aforesaid a certificate of such authorization.

Approved July 27, 1989.

Chapter 300. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND IN THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized, pursuant to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease to the Massachusetts Eye and Ear Infirmary, for an initial term not to exceed ten years and, after consultation with the metropolitan district commission, to extend the term of said lease for additional terms which in total shall be no more than an additional ten years, the parcel of land situated in the city of Boston, as appearing on metropolitan district commission, parks engineering division plan, accession number 39738. During the term of said lease, including any extension thereof, said land shall be used only for the purpose of providing parking for the patients and physicians of the Massachusetts Eye and Ear Infirmary. Operation of said land shall be in accordance with such terms and conditions as the deputy commissioner, in consultation with the metropolitan district commission, requires to be included in the initial term of said lease, as well as such terms and conditions required to be in any extensions thereof.

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

Approved July 27, 1989.

Chapter 301. **AN ACT AUTHORIZING THE TOWN OF SAUGUS TO ISSUE AN ADDITIONAL ALL ALCOHOLIC CLUB LICENSE TO THE FOX HILL YACHT CLUB 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 town of Saugus is hereby authorized to issue to the Fox Hill Yacht Club Inc., a club license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except for said section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other persons, organization, corporation or location; and provided, further, that the issuing of this license shall reduce by one any increase in licenses issued due to census reapportionment under said section seventeen.

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

Approved July 27, 1989.

Chapter 302. AN ACT PROVIDING FOR CERTAIN FISCAL REQUIREMENTS OF THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

SECTION 1. To meet the expenditures authorized by section two of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight and by subsequent supplements thereto and expended on or after July first, nineteen hundred and eighty-nine and for which other revenues during the nineteen hundred and eighty-nine fiscal year are not available, or to retire notes issued for such purposes under section forty-seven of chapter twenty-nine of the General Laws, 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 four hundred and seventy-five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Commonwealth Liability Reduction Loan, Act of 1989, and shall be issued for such maximum term of years, not exceeding one year, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than January thirty-first, nineteen hundred and ninety-one. All payments on account of principal or interest or premium, if any, on such bonds shall be paid from the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to the extent monies are available therein.

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 2. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money, not to exceed four hundred and seventy-five million dollars as may be necessary for the purpose of meeting payments authorized by section two of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight and by subsequent supplements thereto and expended on or after July first, nineteen hundred and eighty-nine and for which other revenues during the nineteen hundred and eighty-nine fiscal year are not available or to retire notes issued for such purposes under section forty-seven of chapter twenty-nine of the General Laws 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 January thirty-first, nineteen hundred and ninety-one. All payments on account of principal or interest or premium, if any, on such notes shall be paid from the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to the extent monies are available therein.

Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 3. To meet the expenditures necessary to carry out the provisions of section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, the governor, or the commissioner of administration as his designee, shall determine the most cost-effective and expeditious manner of borrowing funds or pledging the credit of the commonwealth for such purpose. The governor, or his designee, either shall request the state treasurer to issue general obligation debt instruments, including notes and bonds, or shall enter into a contract with a state authority authorized to issue tax-exempt debt instruments for such expenditures.

In making such determination, the governor, or his designee, shall conduct a public process which allows the state treasurer and any such authority seeking to participate in the process to present objective evidence of their ability to issue appropriate debt instruments which meet the following criteria: (1) borrowing at the lowest possible interest rates, (2) preservation of the highest possible bond rating for the borrowing, (3) payment of medical assistance obligations on a timely basis, (4) qualification of the debt instruments as tax-exempt issues under the Internal Revenue Code, and (5) structuring of the debt service payments within the revenue stream available for such payments. The governor, or his designee, shall within thirty days of the effective date of this act make the determination as to whether the state treasurer or such an authority would best meet the above criteria.

Notwithstanding the provisions of any general or special law to the contrary, for the purposes of this section, any state authority which is authorized to issue tax-exempt debt instruments for non-profit corporations as defined in section 501 (c) (3) of the Internal Revenue Code shall be allowed to participate in such process and is hereby authorized to issue appropriate debt instruments and to make loans and advances to the commonwealth for the purposes set forth in this section and necessary to meet the above criteria.

If the treasurer is so designated to issue such debt instruments, he shall do so under the provisions of sections four to six, inclusive of this act. If an authority is so designated to issue such debt instruments, a contractual relationship between

the commonwealth and such authority shall be established pursuant to section seven of this act.

SECTION 4. To meet a portion of the cost of expenditures authorized by section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, 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 two hundred and eight million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Medical Assistance Liability Loan, Act of 1989, and shall be issued for such maximum term of years, not exceeding two 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 January thirty-first, nineteen hundred and ninety-two. All payments on account of principal or interest or premium, if any, on such bonds shall be paid from the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to the extent monies are available therein.

Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

The provisions of this section shall not apply unless the state treasurer is designated to issue such bonds pursuant to the provisions of section three of this act.

SECTION 5. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money, not to exceed the sum of two hundred and eight million dollars, as may be necessary for the purpose of meeting payments authorized by section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine 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 January thirty-first, nineteen hundred and ninety-two. All payments on account of principal or interest or premium, if any, on such notes shall be paid from the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to the extent monies are available therein.

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.

The provisions of this section shall not apply unless the state treasurer is

designated to issue such notes pursuant to the provisions of section three of this act.

SECTION 6. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money, not to exceed the sum of two hundred and eight million dollars as may be necessary for the purpose of meeting payments authorized by section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine 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 ninety days, 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. All payments on account of principal or interest or premium, if any, on such notes shall be paid from the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to the extent monies are available therein.

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.

Such notes shall be issued in anticipation of revenues received in the Medical Assistance Liability Fund as federal financial participation and in anticipation of the tax revenues credited to the Commonwealth Liability Reduction Fund and the Medical Assistance Liability Fund but shall not be issued in anticipation of bonds.

The net proceeds of the notes issued under this section shall be deposited in the Medical Assistance Liability Fund.

The provisions of this section shall not apply unless the state treasurer is designated to issue such notes pursuant to section three of this act.

SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration shall execute an agreement or agreements with the state authority designated in accordance with section three of this act during the fiscal year ending June thirtieth, nineteen hundred and ninety, to provide the commonwealth with not more than four hundred and sixteen million dollars, for the purpose of reducing the unfunded liabilities of the medical assistance program administered by the department of public welfare as described in section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine. Said agreement or agreements shall commit the commonwealth to pay from the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to the extent of available monies therein, the costs incurred by the state authority as a result of issuing debt instruments, including but not limited to interest and principal costs and premium costs, if any. Notwithstanding the provisions of any general or special

law to the contrary, said agreement or agreements shall be secured by the full faith and credit of the commonwealth.

The net proceeds of the bonds and notes issued by such state authority shall be deposited in the Medical Assistance Liability Fund and shall be expended, without further appropriation, during the fiscal year ending June thirtieth, nineteen hundred and ninety in accordance with the provisions of section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine.

The provisions of this section shall not apply unless the state authority is designated to issue such debt instruments pursuant to section three of this act.

SECTION 8. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money, not to exceed the sum of seventy-two million dollars as may be necessary for the purpose of meeting payments authorized by section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine 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 hundred and eighty days, 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 January thirty-first, nineteen hundred and ninety-two. All payments on account of principal or interest or premium, if any, on such notes shall be paid from the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to the extent monies are available therein.

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.

Such notes shall be issued in anticipation of revenues received in the Medical Assistance Liability Fund as federal financial participation and in anticipation of the tax revenues credited to the Commonwealth Liability Reduction Fund and the Medical Assistance Liability Fund but shall not be issued in anticipation of bonds.

The net proceeds of the notes issued under this section shall be deposited in the Medical Assistance Liability Fund.

Notwithstanding the aforesaid authorization, payments authorized by said section twenty-one, not to exceed the sum of seventy-two million dollars, may be made from and charged to the Commonwealth Liability Reduction Fund and the Medical Assistance Liability Fund; provided, however, that no such payment shall be made until the commissioner of administration shall certify that such expenditure is reasonably estimated not to reduce the amounts in or anticipated to be received by said funds below the amounts which the state treasurer determines will

be necessary to meet in a timely manner the debt service payments attributable to the bonds and notes issued by the commonwealth pursuant to this act and the costs of the commonwealth's contractual obligations to the state authority incurred pursuant to this act for which the revenues in said funds have been pledged in accordance with the provisions of section nine.

SECTION 9. In order to increase the marketability of the debt obligations to be issued pursuant to this act and to ensure the best interests of the commonwealth and its citizens, all revenues credited to the Commonwealth Liability Reduction Fund and the Medical Assistance Liability Fund are impressed with a trust on behalf of the holders of bonds and notes issued by the commonwealth or by the state authority under a contract with the commonwealth pursuant to this act. All revenues so credited shall be pledged to secure the repayment of bonds and notes issued by the commonwealth or by said state authority pursuant to this act and such revenues are hereby dedicated to meet the commonwealth's liabilities with respect to said bonds and notes; provided, however, that proceeds from the sale of bonds and notes are pledged only to secure the payment of notes, if any, which were issued in anticipation of the receipt of such proceeds. Notwithstanding any provisions contained herein or contained in the act establishing said funds or in any other general or special law to the contrary, expenditure of revenues, may be made from and charged to the Commonwealth Liability Reduction Fund or the Medical Assistance Liability Fund to retire notes issued pursuant to this act and to meet the costs of the commonwealth's contractual obligations to the state authority on account of debt obligations of said authority in support of which the revenues of said funds are pledged. Notwithstanding any provisions contained in this act or in any other general or special law to the contrary, expenditure of such revenues, except for the proceeds from the sale of bonds and notes, may be made from and charged to said funds for the purpose of payments authorized by section twenty-one of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine; provided, however, that such expenditures shall not exceed the sum of seventy-two million dollars; and provided, further that no such expenditure shall be made until the commissioner of administration shall certify that such expenditure is reasonably estimated not to reduce the amounts in or anticipated to be received by said funds below the amounts which the state treasurer determines will be necessary to meet in a timely manner the debt service payments attributable to the bonds and notes issued by the commonwealth pursuant to this act and the costs of the commonwealth's contractual obligations to the state authority incurred pursuant to this act for which the revenues in said funds have been pledged.

It is declared to be the intention of the commonwealth that so long as any such revenues are necessary for the purposes for which they are hereby pledged and dedicated, they shall be made available in the manner set forth herein. In recognition of this continuing commitment, and in consideration of the acceptance

of any payment for any debt obligation issued by the commonwealth, or by the state authority to which the revenues of said Commonwealth Liability Reduction Fund and Medical Assistance Liability Fund are pledged, the commonwealth covenants with the purchasers and all subsequent holders and transferees of such debt obligations that while any such obligation remains outstanding, and for so long as the principal of or interest on any such obligation remains unpaid, (i) the revenues pledged and dedicated hereunder shall not be diverted from said funds nor shall the trust with which they are hereby impressed be broken, except as otherwise provided herein and (ii) the taxes credited to said funds as described in the act establishing said funds shall not be repealed or reduced, unless equivalent revenues similarly pledged are provided, and the pledge and dedication in trust of such revenues shall continue unimpaired and unabrogated.

SECTION 10. Notwithstanding the provisions of section five C of chapter twenty-nine of the General Laws, the comptroller shall, not later than September eighth, nineteen hundred and eighty-nine, certify to the commissioner of administration a preliminary consolidated net surplus in the operating funds for fiscal year nineteen hundred and eighty-nine.

SECTION 11. Section thirteen of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine is hereby repealed.

SECTION 12. Section two A of the final deficiency appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-nine is hereby amended by adding the following paragraph:-

For the purpose of making available for expenditure in the fiscal year nineteen hundred and ninety certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-nine, the unexpended balances of the maintenance and capital appropriation items shown below, not to exceed the amount specified below for each item, are hereby re-appropriated for the fiscal year nineteen hundred and ninety:

0185-7888	$150,000
0330-3800	1,041,250
0332-0200	100,000
2100-0105	65,121
6031-8831	848,000
7113-8423	114,525
8000-8841	8,465,405
8200-8842	3,397,507

SECTION 13. The deputy commissioner of the division of capital planning and operations is hereby authorized to expend for activities necessary to relieve the critical overcrowding in the correctional facilities of the commonwealth or any of its subdivisions, including the acquisition of any real or personal property, the design and construction of any such new facility, design, reconstruction, installa-

tion, demolition, maintenance, repair or renovation of any existing facility, including all administrative costs associated with such activities, those funds available in prior appropriations pertaining to the expansion of existing correctional facilities, including, acquisition of land, study, design, construction, reconstruction, alteration, improvement, lease, and furnishing of correctional facilities, including any modular units therefore, including, funds authorized in chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five, chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six, chapter three hundred and three of the acts of nineteen hundred and eighty-seven, chapter one hundred and twenty of the acts of nineteen hundred and eighty-eight, chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-two, chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, chapter two hundred and eight of the acts of nineteen hundred and eighty-eight, chapter two hundred and six of the acts of nineteen hundred and eighty-six, and chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty; provided however, that notwithstanding the provisions of any general or special law to the contrary, no uncommitted funds may be expended for new projects or for projects in excess of previous appropriations without the written approval of the commissioner of administration and the House and Senate Committees on Ways and Means; provided further, that if no action is taken by the ways and means committees within twenty-one days of a request for approval said request shall be determined to be approved.

SECTION 14. Section 11 of chapter 799 of the acts of 1985 is hereby amended by striking out the second paragraph, as amended by section 143 of chapter 164 of the acts of 1988, and inserting in place thereof the following paragraph:-

Said secretary may provide grant monies to such city or town in an amount which shall be no greater than twenty-five percent of the amount expended within such city or town pursuant to the provisions of section six or the applicable provisions of section eight; provided, however, that the town of Shirley is eligible for up to one million five hundred thousand dollars in grant monies as appropriated in this section; provided, further, that no grant shall be made without the approval of the commissioner of administration and the house and senate committees on ways and means.

Approved July 27, 1989.

Chapter 303. AN ACT REGULATING THE DISCHARGE OF MORTGAGES.

Be it enacted, etc., as follows:

Section 54 of chapter 183 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the fourth sentence the following

sentence:- Such deed of release or written acknowledgement of payment or satisfaction shall contain the street address of the mortgaged property, the volume and page number or document number of the mortgage and the name of the mortgagor; provided, however, that the failure to include such information shall not affect the validity of the instrument.

Approved July 27, 1989.

Chapter 304. AN ACT RELATIVE TO THE CARE OF PATIENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 123 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the definition of "Qualified physician" the following definition:-

"Qualified psychiatric nurse mental health clinical specialist", a psychiatric nurse mental health clinical specialist authorized to practice as such under regulations promulgated pursuant to the provisions of section eighty B of chapter one hundred and twelve who is designated by and meets qualifications required by the regulations of the department, provided that different qualifications may be established for different purposes of this chapter. A qualified psychiatric nurse mental health clinical specialist need not be an employee of the department or of any facility of the department.

SECTION 2. Paragraph (a) of section 12 of said chapter 123, as so appearing, is hereby amended by inserting after the word "twelve", in line 2, the words:- or qualified psychiatric nurse mental health clinical specialist authorized to practice as such under regulations promulgated pursuant to the provisions of section eighty B of said chapter one hundred and twelve.

SECTION 3. Said paragraph (a) of said section 12 of said chapter 123, as so appearing, is hereby further amended by striking out, in line 13 and in lines 15 and 16, the words "or qualified psychologist" and inserting in place thereof, in each instance, the words:- , qualified psychologist or qualified psychiatric nurse mental health clinical specialist.

Approved July 27, 1989.

Chapter 305. AN ACT FURTHER REGULATING THE FEES OF PERSONS AUTHORIZED TO TAKE BAIL.

Be it enacted, etc., as follows:

Chapter 262 of the General Laws is hereby amended by striking out section 24,

as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 24. The maximum fee to be charged by any person authorized to take bail or release on personal recognizance in the case of a person arrested for any misdemeanor or felony shall be twenty-five dollars, regardless of the number of offenses.

If, in addition to recognizing for a court within the territorial jurisdiction of the magistrate authorizing the release, the arrested person is being required to recognize for a court outside of such territorial jurisdiction, the person, so authorized, may charge an additional five dollars for each such extraterritorial recognizance, but in no event shall the total fee for any release exceed forty dollars.

Approved July 27, 1989.

Chapter 306. AN ACT FURTHER REGULATING THE INSTALLATION OF AUTOMATIC SPRINKLERS.

Be it enacted, etc., as follows:

Section 26A 1/2 of chapter 148 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Every building or structure of more than seventy feet in height above the mean grade and constructed prior to January first, nineteen hundred and seventy-five, shall be protected with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; provided, however, that sprinklers shall not be required to be installed in patient rooms in hospitals, or in public or private libraries, or in houses of religious worship; provided, further, that sprinklers shall not be required to be installed in buildings where construction has commenced prior to January first, nineteen hundred and seventy-five and which have been submitted to the provisions of chapter one hundred and eighty-three A; and provided, further, that automatic sprinklers shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system.

Approved July 27, 1989.

Chapter 307. AN ACT ELIMINATING SENTENCE REDUCTION OF PRISONERS FOR BLOOD DONATIONS.

Be it enacted, etc., as follows:

Section one hundred and twenty-nine A of chapter one and hundred twenty-seven of the General Laws is hereby repealed.

Approved July 27, 1989.

Chapter 308. AN ACT RELATIVE TO PROPERTY TAX BILLS.

Be it enacted, etc., as follows:

Section 3A of chapter 60 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- In addition, every bill or notice for a tax upon real property shall identify each parcel separately assessed by street and number or, if no street number has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings and other things erected on or affixed to the property and shall state for each such parcel the assessed full and fair cash valuation, the classification, the residential exemption, if applicable, the total taxable valuation and the tax due and payable on such property.

Emergency Letter: July 28, 1989 @ 3:08 P.M. Approved July 27, 1989.

Chapter 309. AN ACT RELATIVE TO THE INVESTMENT OF CERTAIN CEMETERY FUNDS.

Be it enacted, etc., as follows:

Section 25 of chapter 114 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The town treasurer shall invest all such funds in accordance with the stipulations, if any, accompanying them; otherwise he shall invest them as ordered by said commissioners and pay the income therefrom upon their order or with their approval.

Approved July 27, 1989.

Chapter 310. AN ACT AUTHORIZING THE STATE BOARD OF RETIREMENT TO GRANT CERTAIN RETIREMENT BENEFITS TO THE SURVIVING SPOUSE OF EDWARD P. RICE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the state board of retirement is hereby authorized and directed to pay to Winifred Rice, the surviving spouse, of Edward P. Rice, a former employee of the department of revenue, retirement benefits payable to a member under Option (c) of subdivision (2) of section twelve of chapter thirty-two of the General Laws to a surviving spouse of a member who has retired on an ordinary disability retirement allowance under section six of said chapter thirty-two.

SECTION 2. This act shall take effect as of February ninth, nineteen hundred and eighty-nine.

Approved July 27, 1989.

Chapter 311. **AN ACT FURTHER REGULATING AGE REQUIREMENTS FOR APPOINTMENT TO THE POSITION OF FIREFIGHTER OR POLICE OFFICER IN CITIES AND TOWNS WHICH HAVE ESTABLISHED FITNESS STANDARDS.**

Be it enacted, etc., as follows:

SECTION 1. Section 58 of chapter 31 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

No person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer in a city or town which has not accepted the provisions of sections sixty-one A and sixty-one B if such person has reached his thirty-second birthday on or before the final date for the filing of applications, as stated in the examination notice, for the examination used to establish the eligible list from which such certification is to be made. No person shall be eligible to take an examination for original appointment to the position of firefighter or police officer in any city or town if he will not have reached his nineteenth birthday on or before the final date for the filing of applications for such examination, as so stated.

SECTION 2. Section 64 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "or will have reached his thirty-second birthday".

SECTION 3. Section 29 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 4. Section 4 of chapter 125 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "and under the age of thirty-five".

Approved July 27, 1989.

Chapter 312. AN ACT RELATIVE TO THE INDEMNIFICATION FOR INJURIES TO EMERGENCY MEDICAL TECHNICIANS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 111M the following section:-

Section 111N. Any city operating under a Plan D or Plan E charter which accepts this section by the affirmative vote of two-thirds of all the members of its city council, and any other city which accepts this section by a majority vote of its city council with the approval of the mayor, and any town which accepts this section by a majority vote of its inhabitants at an annual town meeting or a special town meeting upon application by a public employee of such city or town who is responsible for delivering emergency medical care pursuant to the provisions of section six of chapter one hundred and eleven C, hereinafter referred to as an emergency medical technician or, in the event of the physical or mental incapacity or death of such emergency medical technician by someone in his behalf, the board or officer of such city or town authorized to appoint the emergency medical technicians, shall determine whether it is appropriate under all the circumstances for such city or town to indemnify such emergency medical technician for his reasonable hospital, medical, surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for chiropody incurred as the natural and proximate result of an accident occurring or, of undergoing a hazard peculiar to his employment, while acting in the performance and within the scope of his duty without fault of his own. For the purposes of this section, "duty" shall include any assigned special detail whether or not the emergency medical technician was paid by the city or town. If such board or officer determines that such indemnification is appropriate, such board or officer shall certify for payment, either directly or by reimbursement, by such city or town, the amount of such expenses as may be specified in such certificate. Whenever such board or officer denies an application in whole or in part, such board or officer shall set forth in writing the reasons for such denial and cause a copy thereof to be delivered to the applicant. At any time within two years after the filing of an application as aforesaid, an applicant aggrieved by a denial in whole or in part of his application or by the failure of such board or officer to act thereon within six months from the filing thereof, may petition the superior court to determine whether such board or officer has failed to timely act on such an application or, in denying the application, in whole or in part, has committed an error of law has been arbitrary or capricious or has abused his discretion, or otherwise has acted not in accordance with law. After due notice and hearing, such court may order such board or officer to act on such application or to consider, or to further consider, and determine the same in

conformity with law.

A city or town shall indemnify an emergency medical technician, in the manner and to the extent herein provided and subject to the same limitations for expenses or damages incurred by him in the defense of the settlement of a claim against him for acts done by him while operating a motor vehicle as such emergency medical technician.

Where the injury for which any payment is made pursuant to the provisions of this section by a city or town has been caused under circumstances creating a legal liability in some person to pay damages in respect thereof, either the emergency medical technician so injured or the city or town may proceed to enforce the liability of such person in any court of competent jurisdiction. The party bringing a successful action shall be entitled to any costs, interest and attorneys' fees incurred as a direct result of such action.

Whoever intentionally or negligently injures an emergency medical technician for which he is paid indemnification under this section shall be liable in tort to the city or town for the amount of indemnification so paid.

Approved July 27, 1989.

Chapter 313. **AN ACT FURTHER REGULATING THE PUNISHMENT FOR ASSAULT OR ASSAULT AND BATTERY MADE BY A PRISONER UPON EMPLOYEES OF JAILS, HOUSES OF CORRECTION OR CORRECTIONAL INSTITUTIONS OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 127 of the General Laws is hereby amended by striking out section 38B, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 38B. A prisoner in any jail or house of correction, or in any correctional institution of the commonwealth who commits an assault or an assault and battery upon an officer, guard or other employee of any jail, house of correction or correctional institution or upon any duly authorized officer, guard or other employee of any such jail, house of correction or correctional institution engaged in the transportation of a prisoner for lawful reasons shall be punished by imprisonment in the state prison for not more than five years. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

SECTION 2. Section 16 of chapter 268 of the General Laws, as so appearing, is hereby amended by inserting after the word "twenty-three A", in line 4, the

words:- , or a prisoner committed to any jail or correctional institution under a lawful order of a court.

Approved July 27, 1989.

Chapter 314. AN ACT AUTHORIZING MUTUAL AID AMONG UTILITIES IN ORDER TO PROVIDE EMERGENCY ASSISTANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize mutual aid assistance among utility companies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by adding the following section:-

Section 133. As used in this section the following words shall have the following meanings:-

"Assistance", all acts of an assisting utility conducted for or on behalf of a requesting utility.

"Domestic utility", an electric or gas company as defined by section one, and including municipal corporations which own or may acquire municipal lighting or gas plants.

"Emergency mutual aid", acts and assistance provided to or by a domestic or foreign utility experiencing or anticipating interruptions in service to its customers or other system emergencies, to be determined in the case of a municipal lighting or gas plant by the manager of such plant. Such acts or assistance shall be accepted or provided within a reasonable amount of time from the occurrence or anticipation of such interruptions or system emergencies.

"Foreign utility", any utility other than a domestic utility.

Notwithstanding any contrary provision of law relating to the corporate powers and authority of a domestic utility or any limitation imposed by a corporate or municipal charter, a foreign or domestic utility shall have the power to request from and provide emergency mutual aid to other domestic and foreign utilities; and to enter into such agreements, regarding the reimbursement of expenses and other related matters and perform such other acts as are deemed reasonably necessary or desirable to request and provide such emergency mutual aid for the amount of time as reasonably necessary to restore or prevent interruption of service or to address the system emergency.

No domestic utility shall be exempt from or lose the benefits of any applicable laws of the commonwealth solely by reason of requesting or providing emergency

mutual aid.

Any law, municipal by-law or ordinance relating to the methods of entering into contracts and contracts awarded by municipal corporations for construction, reconstruction, alteration, remodeling, repair, demolition, equipment, suppli es or materials shall not be applicable to said acceptance or provision of emergency mutual aid as set forth herein.

A foreign utility shall not become subject to the regulatory laws of the commonwealth solely by requesting or providing assistance in the commonwealth.

Nothing in this section shall be deemed to affect, supplant or in any way diminish the existing authority of the department in the administration of the provisions of this chapter.

Nothing in this section shall be construed to affect, supplant, or diminish in any way the powers and authorities of the energy facilities siting council.

Approved July 28, 1989.

Chapter 315. **AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO ENTER INTO CERTAIN AGREEMENTS RELATIVE TO THE SUPPLY OF CERTAIN SEWERAGE AND SEWER RELATED SERVICES.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Fairhaven acting by and through its board of selectmen is hereby authorized to enter into agreements with the city of New Bedford, acting by and through its mayor and city council, for the provision of sewer and sewer related services to a marina to be located on Pope's island in the city of New Bedford.

Said agreements may be for periods of forty years or more and shall provide that said town be reimbursed for all costs incurred in providing such services. Said agreements shall be signed by the chairman of the board of selectmen of said town and the mayor of said city.

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

Approved July 28, 1989.

Chapter 316. **AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO RECONVEY CERTAIN LAND TO ALICE M. COLLINS.**

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby authorized to reconvey to Alice

M. Collins, certain land deeded to said city of Springfield by Alice M. Collins dated March first, nineteen hundred and seventy-seven, to be used as park or playground land.

Said land contains seventy-seven thousand square feet more or less and is shown as being Parcels numbered 2 through 8, in a deed dated March 1, 1977, from Alice M. Collins to the City of Springfield and recorded in the registry of deeds in the county of Hampden, Book 4395, Page 288.

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

Approved July 28, 1989.

Chapter 317. AN ACT PROVIDING THAT CHIEF WILLIAM GROSS MAY CONTINUE EMPLOYMENT WITH THE POLICE DEPARTMENT OF THE TOWN OF STOUGHTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, William Gross, chief of the police department of the town of Stoughton, is hereby authorized to continue in such position until and including July thirty-first, 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 July thirty-first, nineteen hundred and eighty-nine, and upon retirement said employee shall receive a superannuation allowance equal to that to which he would have been entitled had he retired on said date.

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

Approved July 28, 1989.

Chapter 318. AN ACT FURTHER REGULATING MATERNITY LEAVE.

Be it enacted, etc., as follows:

Section 105D of chapter 149 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 7, the words "three years of age," and inserting in place thereof the following:- the age of eighteen or for adopting a child under the age of twenty-three if the child is mentally or physically

disabled,.

Approved July 28, 1989.

Chapter 319. **AN ACT AUTHORIZING THE GLOVER MEMORIAL HOSPITAL AID ASSOCIATION, INC. TO ENTER INTO COOPERATIVE AGREEMENTS WITH PRIVATE ENTITIES.**

Be it enacted, etc., as follows:

SECTION 1. The board of trustees of the Glover Memorial Hospital Aid Association, Inc., with the approval of the board of selectmen of the town of Needham, may enter into agreements on behalf of the town and said hospital with any individual, private corporation, partnership or other entity to provide, jointly, medical services within the town or any adjacent municipality, or to engage in any activity or undertaking necessary or incidental thereto. Any such agreement may be for such period, not to exceed five years, as may be determined by the board of trustees with the approval of the board of selectmen. No such agreement shall provide for any subsidy or obligation for the payment of any money by the town thereunder to any person except for payments representing fair consideration for services rendered by, or goods received from, such person.

SECTION 2. No agreement shall be executed under the provisions of this act unless the chief executive officer or administrator of the hospital shall have issued a request for proposals in accordance with the provisions of this section. Prior to issuing such request, the hospital administrator shall undertake such studies as are necessary to determine the economic feasibility of the terms and conditions, including selection criteria, to be set forth in the request, and shall prepare a written analysis of the anticipated benefits and costs to the hospital and the town of the proposed joint provision of medical services or other such activities, as compared with other alternative means of providing such medical services or other such activities. Not less than two weeks before soliciting proposals, the hospital administrator shall submit to the board of selectmen and the board of trustees the request for proposals and all studies and written analysis relating thereto.

The request for proposals shall include:

(1) all criteria that will be utilized for the evaluation of proposals, together with a statement that such evaluation shall be based solely on said criteria;

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

(3) a statement of those terms and conditions which shall not be subject to negotiation;

(4) a statement that any agreement may incorporate by reference the proposal

of the selected person; and

(5) a statement that any agreement shall include a provision for remedies on behalf of the town and the hospital in the event the selected person defaults on any of its terms.

Notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified for the receipt of proposals, in a newspaper of general circulation in the town. Such notice shall be posted for at least two weeks on the principal official bulletin board of the town and in a conspicuous place at the hospital until the time specified for receipt of proposals. Said notice shall provide a general description of the services desired and shall indicate where, when and for how long requests for proposal may be obtained.

Taking into consideration the financial terms of the proposals and the evaluations based on the criteria set forth in the request for proposals, the hospital administrator, with the approval of the board of selectmen and the board of trustees, shall determine the most advantageous proposal. He may negotiate revisions in the proposal selected. He may reject any and all proposals if he determines that rejection is in the best interests of the town and the hospital.

If the hospital administrator selects a proposal which did not offer the lowest cost to the hospital, he shall state in writing the justification for such decision. The hospital administrator shall maintain a written record of evaluations and negotiations undertaken pursuant to this act, and shall retain such record with the proposals.

SECTION 3. If the financial interest or commitment of the town and the hospital under an agreement authorized under this act is equal to or greater than that of the other parties, in the aggregate, all applicable laws and by-laws relating to procurement of supplies, services or real property, or the disposal of supplies or real property, shall apply to any such procurement or disposal. If the financial interest or commitment of the town and the hospital is less than that of the other parties, in the aggregate, such laws and by-laws shall be applicable to the extent such procurement or disposal is undertaken by or for the town or the hospital.

SECTION 4. No agreement shall be executed under the provisions of this act until a statement, signed under the penalties of perjury, has been filed with the town clerk by each other party to the agreement, giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said agreement. The provisions of this section shall not apply to any stockholder of the corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten percent of the outstanding stock entitled to vote at the annual meeting of such corporation.

SECTION 5. Section one through four shall take effect as of July first, nineteen hundred and ninety.

SECTION 6. This act shall take effect upon its acceptance by the town of

Needham.

Approved July 28, 1989.

Chapter 320. **AN ACT PROVIDING A REMEDY FOR OWNERS OF PUBLIC OR SUBSIDIZED HOUSING SEEKING TO PROHIBIT CERTAIN PERSONS FROM ENTERING OR REMAINING UPON SUCH PREMISES.**

Be it enacted, etc., as follows:

Chapter 121B of the General Laws is hereby amended by inserting after section 32A, as appearing in the 1988 Official Edition, the following five sections:-

Section 32B. As used in sections thirty-two B to thirty-two F, inclusive, the following words shall have the following meanings unless the content otherwise requires:

"Landlord", the owner or managing agent of a public housing development or a subsidized housing development.

"Public housing development", such developments for housing owned and operated by a housing authority pursuant to this chapter.

"Subsidized housing development", such multi-family developments for housing as: (a) receive the benefit of subsidy in the form of project-based assistance under the section 8 housing assistance program for the disposition of projects owned by the United States Department of Housing and Urban Development; or (b) are owned or held by the United States Department of Housing and Urban Development as mortgagee-in-possession.

"Tenant household", an individual, family unit, or other group living in a public housing development or a subsidized housing development, as reported to the landlord of the development at initial occupancy or thereafter.

Section 32C. Whenever a person who is not a member of a tenant household has, on or near a public housing development or a subsidized housing development: (a) caused serious physical harm to a member of a tenant household or employee of the landlord, (b) intentionally, willfully, and repeatedly destroyed, vandalized, or stolen property of a member of a tenant household or of the landlord (c) intentionally and willfully destroyed, vandalized, or stolen property of a member of a tenant household or of the landlord and attempted to seriously physically harm a member of a tenant household or employee of the landlord (d) possessed or carried a weapon in violation of section ten of chapter two hundred and sixty-nine or possessed or used an explosive or infernal machine, as such is defined in section one hundred and two A of chapter two hundred and sixty-six with the exception of fire-crackers or violated any other provision of section one hundred and one, one hundred and two, one hundred and two A or one hundred

and two B of chapter two hundred and sixty-six; (e) unlawfully sold or possessed with intent to distribute a controlled substance established as class A, B, C, or D in section thirty-one of chapter ninety-four C; or (f) committed or repeatedly threatened to commit a battery upon a person or damaged or repeatedly threatened to commit damage to the property of another for the purpose of intimidation because of said person's race, color, religion, or national origin; the landlord of such premises may bring a civil action for injunctive or other appropriate equitable relief in order to prohibit said person from entering or remaining in or upon the public or subsidized housing development, unless there is cause to believe that such unlawful conduct is unlikely to continue or to pose a serious threat to the health or safety of the development, the tenant households at such development, or the employees of the landlord.

Nothing in this section shall be read to limit the civil and criminal remedies otherwise available under section thirty-nine of chapter two hundred and sixty-five or section one hundred and twenty-seven B of chapter two hundred and sixty-six.

Section 32D. A tenant or member of a tenant household in a public or subsidized housing development whose health or safety has been seriously threatened as described in section thirty-two C, and where there is reasonable cause to believe that such unlawful conduct will continue to pose a serious threat to his health and safety may institute and prosecute in his own name and on his own behalf or on behalf of other willing household members a civil action requiring the landlord of the public or subsidized housing development to seek injunctive and other appropriate relief as provided in section thirty-two C, provided that the landlord of the public or subsidized housing development has actual or constructive notice of said unlawful conduct. Such civil action may also be pursued by a tenants organization, whether incorporated or unincorporated, on behalf of its members, and without any requirement that such organization be represented by counsel in order to pursue such action. This paragraph shall not be construed so as to limit relief otherwise available under chapter two hundred and nine A. Nothing in this section shall be read to limit the civil and criminal remedies otherwise available under section thirty-nine of chapter two hundred and sixty-five or section one hundred and twenty-seven B of chapter two hundred and sixty-six. This paragraph does not limit any existing nor create any new civil or criminal liability.

Section 32E. Civil actions under section thirty-two C or thirty-two D shall be instituted in the housing or superior court departments having jurisdiction where the residential premises are located. Orders and judgments entered in such actions shall be subject to appellate review as if the interlocutory order or judgment was entered in the superior court department.

Section 32F. Whenever a court, pursuant to section thirty-two C, issues a temporary restraining order or a preliminary or permanent injunction ordering a defendant to refrain from entering or remaining in a public or subsidized housing development under this section, the order issued shall specify the person and the

addresses covered and contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE. The clerk shall transmit two certified copies of each such order to the appropriate law enforcement agency, and such law enforcement agency shall serve one copy of the order upon such defendant. Unless otherwise directed by the court, for good cause shown, service shall be by delivering a copy in hand to the defendant. Law enforcement agencies shall establish procedures adequate to ensure that all officers responsible for the enforcement of the order are informed of the existence and terms of such orders. Whenever any law enforcement officer has probable cause to believe that a defendant has violated the terms of an order issued pursuant to this section, such officer shall have the authority to arrest said defendant. After any such order has been served upon the defendant, any violation of such order during its effective term shall be punishable by a fine of not more than three thousand five hundred dollars or by imprisonment for not more than two years in a house of correction, or both. Any such violation may be enforced in the court that issued the order which is alleged to have been violated.

All temporary restraining orders granted under section thirty-two C shall remain in effect for no more than ten days from issuance. All other interlocutory orders granted under section thirty-two C shall be for a fixed period of time not to exceed one year, at the expiration of which time the court may extend any order upon a showing of good cause. All orders granted under section thirty-two C which expire after a limited term shall so state on the order. No permanent order shall be granted except as a final judgment after a trial on the merits.

A person subject to an order under sections thirty-two C may request that such order be modified or vacated at any time. Grounds for modification shall include, but not be limited to, hardship that would result from the person's inability to visit a tenant or a member of a tenant household, the person's need to carry out legitimate business on or near the public or subsidized housing development, or new evidence or evidence of a change in circumstances showing that it is unlikely that the person's presence in the public or subsidized housing development shall continue to pose a serious threat to the health and safety of the development.

All orders granted shall be crafted in such a manner as to minimize interference with the rights of tenant households to reasonable visitation in accordance with any orders issued in any other court proceeding.

The court shall notify the appropriate law enforcement agency in writing whenever an order issued pursuant to this section is stayed, modified, or vacated, and shall direct the agency to destroy all record of any order which is vacated, and not to act on any order which is stayed. Such law enforcement agency shall comply with court directives on stayed or vacated orders, and shall only enforce orders with a limited term during the term of such orders.

Approved July 29, 1989.

Chapter 321. AN ACT FURTHER REGULATING DEDUCTIONS FROM SENTENCES FOR PRISONERS.

Be it enacted, etc., as follows:

Section 129D of chapter 127 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the satisfactory conduct of a prisoner while confined at a correctional institution of the commonwealth, or any jail or house of correction, but working at a state hospital or state school, satisfactory completion of an educational program leading to the award of a high school equivalency certificate, satisfactory performance of said prisoner in completion of any other educational sequence or any vocational training program established within or without the institution, satisfactory performance of said inmate when he is employed on work-release or in a prison industry, or satisfactory performance of said inmates in any other program or activity which the superintendent of the institution shall deem valuable to said prisoner's rehabilitation, the commissioner may grant, in addition to the deductions of sentence provided under sections one hundred and twenty-nine and one hundred and twenty-nine C, a further deduction of sentence of not more than two and one-half days per program or activity for each month while said prisoner is working in a state hospital or school, on work-release or working in a prison industry, or partaking in any of the said programs or activities as aforesaid; provided, however, that in no event shall said deductions exceed a maximum monthly total of seven and one-half days.

Approved August 2, 1989.

Chapter 322. AN ACT FURTHER REGULATING THE MISUSE OF DRIVER LICENSES AND IDENTIFICATION CARDS.

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) The registrar may, suspend the license or right to operate and the certificate of registrations of any person for up to six months, whenever the registrar, after a hearing, has reason to believe that said person has violated the provisions of section thirty-four B of chapter one hundred and thirty-eight.

Upon a conviction of said section thirty-four B, the court shall notify the

registrar, who shall immediately revoke the license, right to operate or registration for one year.

SECTION 2. Section 34B of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Any person who transfers, alters or defaces any such card or license, or who makes, uses, carries, sells or distributes a false identification card or license, or uses the identification card or motor vehicle license of another, or furnishes false information in obtaining such card or license, shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than three months.

Emergency Letter: August 4, 1989 @ 4:07 P.M. Approved August 2, 1989.

Chapter 323. AN ACT REQUIRING NOTIFICATION OF THE NEXT OF KIN WHEN MEDICAL EXAMINERS TAKE CHARGE OF DEAD BODIES.

Be it enacted, etc., as follows:

The first paragraph of section 6 of chapter 38 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Immediately upon receipt of such notification, the medical examiner shall carefully inquire into the cause and circumstances of the death and if, as a result of such inquiry, he is of the opinion that death may have resulted from violence or unnatural causes, he shall go to the dead body and take charge of the same and shall so notify the next of kin, if known, or cause them to be notified that the medical examiner is taking jurisdiction of the body and of the next location to which the deceased person will be taken.

Approved August 2, 1989.

Chapter 324. AN ACT DESIGNATING THE LAWRENCE EXPERIMENT STATION AS THE SENATOR WILLIAM X. WALL EXPERIMENT STATION.

Be it enacted, etc., as follows:

The Lawrence experiment station, located in the city of Lawrence, shall be designated and known as the Senator William X. Wall Experiment Station, in honor of Senator William X. Wall, who served the people of said city for thirty-six years in the capacity of state representative from nineteen hundred and forty-three to

nineteen hundred and fifty-six, inclusive, and state senator from nineteen hundred and fifty-seven to nineteen hundred and eighty inclusive. A suitable marker bearing such designation shall be attached thereto by the department of environmental quality engineering in compliance with the standards of said department.

Approved August 2, 1989.

Chapter 325. **AN ACT DESIGNATING A CERTAIN BRIDGE ON PLAIN STREET AS THE NORTON VETERANS' MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge on Plain street, over interstate highway Route 495 in the town of Norton shall be designated and known as the Norton Veterans' Memorial Bridge, in memory of the deceased veterans of the town of Norton. Suitable markers bearing such designation shall be erected by the department of public works in compliance with the standards of said department.

Approved August 2, 1989.

Chapter 326. **AN ACT RELATIVE TO THE AUDIT REQUIREMENT FOR PUBLIC CHARITIES.**

Be it enacted, etc., as follows:

The second paragraph of section 8F of chapter 12 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following two sentences:- A public charity which received not more than two hundred and fifty thousand dollars in gross support and revenue during the fiscal year covered by its report may in lieu of an audited financial statement submit a financial statement accompanied by an independent certified public accountant's review report as such report is defined by the American Institute of Certified Public Accountants. The director may, by regulation, exempt certain types or classes of organizations from the audit or review report requirement or from completing any portions of the annual report if the director determines that such exemption would be in the public interest.

Approved August 2, 1989.

Chapter 327. **AN ACT RELATIVE TO THE LIMIT ON CREDIT CARDS ISSUED BY CREDIT UNIONS.**

Be it enacted, etc., as follows:

The third paragraph of subdivision (H) of section 24 of chapter 171 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 553, the words "fifteen hundred" and inserting in place thereof the words:- three thousand.

Approved August 3, 1989.

Chapter 328. AN ACT LIMITING THE LIABILITY OF MEMBERS OF HOUSING AND REDEVELOPMENT AUTHORITIES.

Be it enacted, etc., as follows:

Section 6 of chapter 644 of the acts of 1986 is hereby amended by inserting after the word "director", in lines 1 and 6, in each instance, the following word:- , member.

Approved August 3, 1989.

Chapter 329. AN ACT PROVIDING FOR THE PROMPT ADMINISTRATION OF ESTATES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 118E of the General Laws is hereby amended by inserting after section 16 the following section:-

Section 16A. (a) Notwithstanding any provision of law to the contrary, a petition for admission to probate of a decedent's will or for administration of a decedent's estate shall include a statement or be accompanied by an affidavit indicating whether the deceased received medical assistance under this chapter when such deceased was sixty-five years of age or older. A petitioner who files for admission of a decedent's will or for administration of a decedent's estate shall, simultaneous with the filing, send a copy of said petition to the department by certified mail if the deceased received medical assistance under this chapter when such deceased was sixty-five years of age or older.

In the event a petitioner fails to send such notice to the department and the deceased received such medical assistance when sixty-five years of age or older, any person who received a distribution of assets from the decedent's estate shall be liable to the department to the extent of such distribution.

(b) The department may present claims against a decedent's estate as follows:

(1) The department may within four months after approval of the official bond of the executor or administrator or within four months of receipt of the petition described above, whichever is later, deliver or mail to the executor or administrator a written statement of the claim indicating the basis and the amount claimed, or within such time may file a written statement of the claim with the proper registry of probate and a copy thereof delivered or mailed to the executor or administrator. The claim shall be deemed presented on receipt of the written statement of claim by the personal representative or upon the filing of the claim in the registry of probate, whichever first occurs.

(2) The department may, within one year after the date of death of the deceased, commence an action under the provisions of section nine of chapter one hundred and ninety-seven.

As to claims presented by written statement within the four month time limit, provided in subparagraph (1), an executor or administrator may mail a notice to the department stating that a claim has been disallowed. Failure of the executor or administrator to mail notice to the department of a disallowance within sixty days after presentation of the claim shall have the effect of allowing the claim. If, after a decision disallowing a claim, the executor or administrator changes such decision he shall so notify the department of such change. In the event of a disallowance in whole or in part, the department may commence action against the executor or administrator in a court of competent jurisdiction within sixty days after receipt of said notice of disallowance.

A judgment in a proceeding in another court against an executor or administrator to enforce a claim against a decedent's estate shall be an allowance of the claim.

(c) Unless otherwise provided in any judgment entered against the executor or administrator, allowed claims shall bear interest at the legal rate for the period commencing four months plus sixty days after approval of the official bond of the executor or administrator.

By complaint filed in the probate court, the department, if its claim has been allowed as provided herein but not paid, may secure an order directing the executor or administrator to pay the claim to the extent that funds are available for payment.

SECTION 2. Chapter 193 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. A special administrator, temporary executor, or temporary administrator with will annexed shall be liable to an action by a creditor of the deceased brought within the period of limitation provided in section nine of chapter one hundred and ninety-seven; provided, however, that any such action shall be stayed by the court in which it is brought until such time as an executor or administrator of the estate of the deceased has been appointed and said executor

or administrator has been substituted for said special administrator, temporary executor, or temporary administrator with will annexed as the party defendant.

SECTION 3. Chapter 197 of the General Laws is hereby amended by striking out sections 1 and 2, as so appearing, and inserting in place thereof the following two sections:-

Section 1. As used in this chapter, the words "executor or administrator" shall, where appropriate, be construed to include an administrator with will annexed, a special administrator, a temporary executor, a temporary administrator with will annexed, or an administrator de bonis non.

Section 2. If an executor or administrator shall not within six months after the date of death of the deceased have had notice of demands against the estate of the deceased sufficient to warrant him to represent such estate to be insolvent, he may, after the expiration of said six months, pay the debts due from the estate and shall not be personally liable to any creditor in consequence for such payments made before notice of such creditor's demand; and if such executor or administrator shall be in doubt as to the validity of any debt which, if valid, he would have a right to pay under this section, he may, with the approval of the probate court, after notice to all persons interested, pay such debt or so much thereof as the court may authorize.

SECTION 4. Section two A of said chapter one hundred and ninety-seven is hereby repealed.

SECTION 5. Said chapter 197 is hereby further amended by striking out section 9, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 9. (a) Except as provided in this chapter, an executor or administrator shall not be held to answer to an action by a creditor of the deceased unless such action is commenced within one year after the date of death of the deceased and unless, before the expiration of such period, the process in such action has been served by delivery in hand upon such executor or administrator or service thereof accepted by him or a notice stating the name of the estate, the name and address of the creditor, the amount of the claim and the court in which the action has been brought has been filed in the proper registry of probate.

(b) An executor or administrator shall not be held to answer to an action by a creditor of the deceased which is commenced within any other or additional period of limitation for bringing such action provided by or under this chapter unless before the expiration of such period the process in such action has been served by delivery in hand upon him or service thereof accepted by him or a notice as aforesaid has been filed in the proper registry of probate.

(c) A trustee of a trust, the assets of which are subject as a matter of substantive law to being reached by creditors of the deceased, shall not be held to answer to an action by a creditor of the deceased unless such action is commenced against

such trustee or against the executor or administrator of the estate of the deceased within the time and in the manner provided in subsection (a). Such trustee shall have immunity from personal liability to a creditor of the deceased in the same manner as an executor or administrator has, pursuant to sections two, three, four, and five.

(d) If a deceased received medical assistance under chapter one hundred and eighteen E when such deceased was sixty-five years of age or older, section sixteen A of chapter one hundred and eighteen E shall govern the notice to be given to the department of public welfare and such department's claim for recovery under the provisions of section sixteen of chapter one hundred and eighteen E if the department so chooses.

SECTION 6. Section 9A of said chapter 197, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "nine months from the time of the giving of bond by an executor or administrator" and inserting in place thereof the words:- one year after the date of death of the deceased.

SECTION 7. Section 13 of said chapter 197, as so appearing, is hereby amended by striking out, in lines 2 to 5, inclusive, the words "the time fixed for presentation of claims, or within such further time as may be allowed by an extension granted under section nine, or in the case of an administrator de bonis non, within the period allowed by section seventeen" and inserting in place thereof the words:- within one year after the date of death of the deceased.

SECTION 8. Section seventeen of said chapter one hundred and ninety-seven is hereby repealed.

SECTION 9. Section eighteen of said chapter one hundred and ninety-seven is hereby repealed.

SECTION 10. Section 6B of chapter 229 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 3, the words "from the time of his giving bond" and inserting in place thereof the words:- after the date of the death of the deceased.

SECTION 11. The provisions of this act shall apply to estates of decedents dying on or after January first, nineteen hundred and ninety.

Approved August 3, 1989.

Chapter 330. AN ACT RELATIVE TO AUTOMATIC SPRINKLER SYSTEMS.

Be it enacted, etc., as follows:

Section 26H of chapter 148 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

Any lodging or boarding house subject to the provisions of this section shall

be equipped with automatic sprinklers within five years after acceptance of this act by a city or town.

Approved August 3, 1989.

Chapter 331. AN ACT RELATIVE TO APPLICATION FOR LICENSE AS ENGINEER OR FIREMAN.

Be it enacted, etc., as follows:

The first paragraph of section 64 of chapter 146 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- A mark of seventy percent shall be considered passing on any such written examination and such passing mark shall remain valid for a period of one year.

Approved August 3, 1989.

Chapter 332. AN ACT RELATIVE TO EQUAL RIGHTS UNDER LAW.

Be it enacted, etc., as follows:

Chapter 93 of the General Laws, as amended by chapter 246 of the acts of 1989, is hereby further amended by adding the following section:-

Section 102. (a) All persons within the commonwealth, regardless of sex, race, color, creed or national origin, shall have, except as is otherwise provided or permitted by law, the same rights enjoyed by white male citizens, to make and enforce contracts, to inherit, purchase, to lease, sell, hold and convey real and personal property, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) A person whose rights under the provisions of subsection (a) have been violated may commence a civil action for injunctive and other appropriate equitable relief, including the award of compensatory and exemplary damages. Said civil action shall be instituted either in the superior court for the county in which the conduct complained of occurred, or in the superior court for the county in which the person whose conduct complained of resides or has his principal place of business.

(c) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that any individual is denied any of the rights protected by subsection (a).

(d) An aggrieved person who prevails in an action authorized by subsection (b), in addition to other damages, shall be entitled to an award of the costs of the litigation and reasonable attorneys' fees in an amount to be fixed by the court.
Emergency Letter: August 3, 1989 @ 4:56 P.M. Approved August 3, 1989.

Chapter 333. AN ACT RELATIVE TO THE NANTUCKET HISTORIC DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Exterior architectural features" in section 2A of chapter 395 of the acts of 1970, as appearing in section 1 of chapter 735 of the acts of 1987, is hereby amended by striking out, in line 11, the word "porches" and inserting in place thereof the words:- exterior surfaces and the type and style of roofs, porches.

SECTION 2. Paragraph *(c)* of section 5 of said chapter 395, as appearing in section 2 of said chapter 735, is hereby amended by inserting after the word "condition", in line 7, the words:- nor to prevent landscaping with plants, trees and shrubs.

SECTION 3. Section 13 of said chapter 395, as amended by section 10 of said chapter 735, is hereby further amended by inserting after the word "feature", in line 7, the words:- constructed in violation of this act or the substantial restoration of any building, structure or exterior architectural feature.

Approved August 3, 1989.

Chapter 334. AN ACT FURTHER REGULATING THE PENALTIES FOR CERTAIN CRIMES.

Be it enacted, etc., as follows:

Section 27A of chapter 266 of the General Laws is hereby amended by striking out the first paragraph, as amended by section 56 of chapter 273 of the acts of 1988, and inserting in place thereof the following paragraph:-

Whoever, with intent to defraud the insurer, removes or conceals a motor vehicle or trailer belonging to himself or another which is at the time insured against theft, or whoever, with intent as aforesaid, aids or abets in such removal or concealment, shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in jail or house of correction for not less than one year nor more than two and one-half years, and a fine of not less than five

hundred or more than five thousand dollars.

Approved August 3, 1989.

Chapter 335. **AN ACT AUTHORIZING THE TREASURER OF THE FRONTIER REGIONAL SCHOOL DISTRICT TO EXPEND CERTAIN FUNDS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary in the event that the annual regional school district budget for the Frontier Regional School District and the Dudley Charlton Regional School District has not been approved under section sixteen B of chapter seventy-one of the General Laws before July first, nineteen hundred and eighty-nine by the member municipalities, the treasurer of each municipality shall pay to the treasurer of the Frontier Regional School District and the Dudley Charlton Regional School District, on or before July fifteenth, nineteen hundred and eighty-nine and on or before the fifteenth of each succeeding month until said budget has been approved, but in no case beyond October fifteenth, nineteen hundred and eighty-nine, a sum equal to one-twelfth of the total amount appropriated and certified to such municipality for the preceding fiscal year. The treasurer of said Frontier Regional School District and the Dudley Charlton Regional School District is hereby authorized to expend all funds so paid by each member municipality and in addition thereto, all available funds, state receipts and any other funds ordinarily received for the operation of said Frontier Regional School District and the Dudley Charlton Regional School District, at a level no higher than the annual budget for the fiscal year nineteen hundred and eighty-nine.

Upon approval of the annual regional school district budget for the fiscal year nineteen hundred and ninety, by the member municipalities, the treasurer of the Frontier Regional School District and the Dudley Charlton Regional School District shall deduct from the amounts so certified or recertified to each member municipality, all amounts previously paid to the district on account of said fiscal year nineteen hundred and ninety and the balance payable by each such municipality shall be paid to the Frontier Regional School District and the Dudley Charlton Regional School District in accordance with the terms of the agreement.

SECTION 1A. For the purposes of this chapter, approval of the Dudley Charlton Regional School District budget by a district wide meeting pursuant to section 16B of chapter 71 of the General Laws shall be considered approval by the member communities.

SECTION 2. This act shall take effect as of July first, nineteen hundred and eighty-nine.

Approved August 3, 1989.

Chapter 336. AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

The town treasurer of the town of Swampscott is hereby authorized to pay from available funds to the George F. Cram Company, Inc. of Indianopolis, Indiana the sum of nineteen thousand five hundred ninety-four dollars and seventy-five cents for school supplies, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

Approved August 3, 1989.

Chapter 337. AN ACT PROVIDING FOR THE REDUCTION OF HEALTH CARE COSTS TO THE COMMONWEALTH FOR THE TREATMENT OF CERTAIN PATIENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a reduction in the commonwealth's cost of providing care to certain patients, 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 6A of the General Laws is hereby amended by inserting after section 37A, as appearing in the 1988 Official Edition, the following section:-

Section 37B. (a) Any nonacute hospital which is licensed under section fifty-one of chapter one hundred and eleven or section nineteen of chapter twenty-nine to provide psychiatric services, which is a signatory or becomes a signatory to a memorandum of understanding with the department of mental health which was signed by the commissioner of the department of mental health on March twenty-eighth, nineteen hundred and eighty-nine and which, subject to the provisions of paragraph (e), offers from year to year to the department of mental health to provide services in accordance with said memorandum shall, at its election, be en-

titled to approval by the commission of its gross patient service revenues and charge modification requests in accordance with this section. Any nonacute hospital which provides psychiatric services may, notwithstanding whether it is a signatory to such memorandum, with the mutual written agreement of the commissioner of mental health or his designee enter into one or more memoranda of understandings with the department of mental health which may by their own terms alter or supersede the memorandum of understanding referenced in this paragraph and be entitled to the election provided for by this paragraph.

(b) For each nonacute psychiatric hospital which exercises the election provided for by paragraph (a), the commission shall, notwithstanding the provisions of sections thirty-seven and thirty-nine, approve maximum allowable gross patient service revenue and related charges for each fiscal year on a prospective basis which shall be no less than the reasonable financial requirements approvable pursuant to section thirty-seven multiplied by the ratio of gross patient service revenue divided by reasonable financial requirements which was either approved or, subsequent to any appeal, was approvable by the commission for any fiscal year prior to the hospital's fiscal year nineteen hundred and ninety.

(c) Any nonacute hospital which provides psychiatric services which is entitled to the election provided by this section may exercise its election by filing a copy of a memorandum of understanding referenced in paragraph (a) of this section with the commission together with a designation of the fiscal year to be used for the purpose of calculating the ratio referenced in paragraph (b).

(d) Nothing contained herein shall be construed or applied to effect rates of payment established under section thirty-two of chapter six A for services provided by psychiatric hospitals to recipients of public assistance or services provided to any person for which any agency of the commonwealth is financially responsible.

(e) The commissioner of the department of mental health may, at any time terminate a memorandum of understanding referenced in paragraph (a). Upon notice of such termination the election provided for by this section shall terminate. Eighteen months subsequent to the effective date of this section the commissioner of the department of mental health shall make a report to the general court as to whether he desires to continue the memoranda of understanding provided for by this section. In the event the commissioner notifies the general court he does not desire continuation of such memoranda of understanding, this section shall cease and become ineffective six months thereafter and any nonacute psychiatric hospital may, during said six month period phase out its participation with the department of mental health. In the event the commissioner files a notification that he does desire to continue such memorandum of understanding this section shall remain in full force and effect.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, this act shall become effective for each private psychiatric hospital's nineteen hundred and ninety fiscal year. In the event this act is enacted subsequent

to the commencement of a private psychiatric hospital's nineteen hundred and ninety fiscal year it shall have retroactive effect and apply to that year.

SECTION 3. This act shall expire on June thirtieth, nineteen hundred and ninety-three.

Approved August 3, 1989.

Chapter 338. AN ACT RELATIVE TO THE SALE OF AMMUNITION.

Be it enacted, etc., as follows:

The first paragraph of section 122B of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the sixth and seventh sentences.

Approved August 3, 1989.

Chapter 339. AN ACT RELATIVE TO CHANGE OF ADDRESS NOTIFICATION.

Be it enacted, etc., as follows:

Section 129B of chapter 140 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 61, the word "ten" and inserting in place thereof the word:- thirty.

Approved August 3, 1989.

Chapter 340. 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 Richard

D. Brown, as he is an attorney at law of the commonwealth, in the town of Reading, on August twelfth, nineteen hundred and eighty-nine, between Steven Hazelton of Fairhaven, Vermont, and Barbara Gray of the city of Melrose and the state secretary shall issue to said Richard D. Brown, in his capacity as aforesaid a certificate of such authorization.

Approved August 4, 1989.

Chapter 341. 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 15FFF of chapter 6 of the General Laws, inserted by chapter 606 of the acts of 1987, is hereby amended by striking out, in line 5, the word "co-terminus" and inserting in place thereof the following word:- coterminous.

SECTION 2. Section 85 of said chapter 6, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 1, the figures "86 to 92" and inserting in place thereof the following words:- eighty-six to ninety-two.

SECTION 3. Section 8 of chapter 6A of the General Laws, as amended by section 1 of chapter 525 of the acts of 1987, is hereby further amended by striking out, in line 5, the words "cultural Exchange commission" and inserting in place thereof the following words:- Cultural Exchange Commission.

SECTION 4. Section 39B of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 50 and 52, the figure "30A" and inserting in place thereof, in each instance, the following word:- thirty A,- and by striking out, in lines 62 and 67, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 5. Section 26C of chapter 9 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "twenty-seven", in line 10, 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. 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 8, the word

"included" and inserting in place thereof the following word:- include.

SECTION 7. Section 20 of chapter 20 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 15, the word "forty-nine" and inserting in place thereof the following word:- forty-eight.

SECTION 8. Paragraph (d) of section 35 of chapter 23A of the General Laws, as appearing in section 4 of chapter 199 of the acts of 1988, is hereby amended by striking out the eighth sentence and inserting in place thereof the following sentence:- Bonds may be issued in bearer or in registered form, or both, and, if notes, may be made payable to bearer or to order, as the agency may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of bonds registered as to both principal and interest and for the interchange of bonds registered as to both principal and interest and for the interchange of registered and coupon bonds.

SECTION 9. Chapter 29 of the General Laws is hereby amended by striking out section 2J, as most recently amended by section 4 of chapter 584 of the acts of 1987, and inserting in place thereof the following section:-

Section 2J. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Environmental Challenge Fund. There shall be credited to such fund:

(a) any amounts collected pursuant to section sixteen of chapter twenty-one A;

(b) any amounts collected pursuant to chapter twenty-one E;

(c) any amounts collected pursuant to chapter twenty-one H;

(d) any amounts collected pursuant to section ten or section fifteen of chapter four hundred and five of the acts of nineteen hundred and eighty-five; and

(e) any income derived from the investment of amounts credited to said fund.

Amounts credited to said fund shall be used, subject to appropriation, solely for the clean up, control or response actions for oil and hazardous materials, reducing the production of hazardous waste or for any other action necessary to implement sections three A and four of chapter twenty-one E.

SECTION 10. The second paragraph of subsection (a) of section 6B of said chapter 29, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 213, the word ",has" and inserting in place thereof the following word:- has.

SECTION 11. Section 7C of said chapter 29, as so appearing, is hereby amended by striking out, in line 46, the word "used. (d)" and inserting in place thereof the following word:- used; (d).

SECTION 12. Subdivision (2) of section 8 of chapter 32 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 33, the word "If" and inserting in place thereof the following word:- (a) If.

SECTION 13. Subdivision (4) of said section 8 of said chapter 32, added by section 40 of chapter 697 of the acts of 1987, is hereby amended by inserting after

the word "the", in line 3, the first time it appears, the following word:- age.

SECTION 14. Section 22D of said chapter 32, inserted by section 76 of said chapter 697, is hereby amended by striking out subdivisions (7) to (13), inclusive, and inserting in place thereof the following seven subdivisions:-

(5) Any system accepting any annual pension funding grant pursuant to this section shall transmit to each active and retired member, and to any other person actually receiving any benefit pursuant to this chapter, a copy of the annual report required by subdivision (5) of section twenty.

(6) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the ten year vesting provision provided for in subdivision (1) of section six.

(7) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the supplemental dependent allowance provided for in clause (iii) of paragraph (a) of subdivision (2) of section seven.

(8) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the provisions of section ninety G 1/2.

(9) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the fitness and wellness provisions of section sixty-one A of chapter thirty-one and section sixty-one B of chapter thirty-one, and of paragraph (e) of subdivision (3) of section five and section five A.

(10) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the provisions relative to the application of section fifty of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight provided for in paragraph (b 1/2) of section twenty-two.

(11) Notwithstanding any other provision of this section or of any other general or special law, any system accepting the provisions of this section shall not be required to appropriate the normal cost of any benefits accepted under subdivision (6), (7), (8), (9) or (10) for any year prior to the fiscal year in which the first annual pension assistance grant is payable to such system.

SECTION 15. Said chapter 32 is hereby further amended by striking out section 90H, inserted by section 1 of chapter 46 of the acts of 1980, and inserting in place thereof the following section:-

Section 90I. Any member in service, classified in Group 2, who is a district engineering inspector, a state building inspector or a state elevator inspector, shall continue in service, at such members option, notwithstanding such member is mentally and physically capable of performing the duties of such office or position. Such member shall annually, at such members own expense, be examined by an impartial physician designated by the retirement authority to determine such capability. No deductions shall be made from the regular compensation of each member under the provisions of this chapter for service after such member has attained age sixty-five and upon retirement such member shall receive a superan-

nuation retirement allowance equal to that to which such member would have been entitled had such member retired at age sixty-five.

SECTION 16. Subsection (e) of section 28B of chapter 35 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 79, the words "chapter seven" and inserting in place thereof the following words:- chapter twenty-nine.

SECTION 17. Section 9 of chapter 39 of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the word "elections" and inserting in place thereof the following word:- election.

SECTION 18. The eleventh paragraph of section 23B of said chapter 39, as so appearing, is hereby amended by striking out, in line 130, the word "complaint" and inserting in place thereof the following word:- complaints.

SECTION 19. The twelfth paragraph of said section 23B of said chapter 39, as so appearing, is hereby amended by striking out, in line 138, the word "orders" and inserting in place thereof the following word:- order.

SECTION 20. Section 39K of chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after the word "fifty-five A", in lines 10 and 11, the following words:- of chapter forty-four.

SECTION 21. Section 7 of chapter 40A of the General Laws is hereby amended by striking out the second paragraph, as amended by section 1 of chapter 481 of the acts of 1987, and inserting in place thereof the following paragraph:-

No local zoning law shall provide penalty of more than three hundred dollars per violation; provided, however, that nothing herein shall be construed to prohibit such laws from providing that each day such violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in any court, nor any administrative or other action taken to recover a fine or damages or to compel the removal, alteration, or relocation of any structure or part of a structure or alteration of a structure by reason of any violation of any zoning by-law or ordinance except in accordance with the provisions of this section, section eight and section seventeen; provided, further, that if real property has been improved and used in accordance with the terms of the original building permit issued by a person duly authorized to issue such permits, no action, criminal or civil, the effect or purpose of which is to compel the abandonment, limitation or modification of the use allowed by said permit or the removal, alteration or relocation of any structure erected in reliance upon said permit by reason of any alleged violation of the provisions of this chapter, or of any ordinance or by-law adopted thereunder, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land lies within six years next after the commencement of the alleged violation of law; and provided, further that no action, criminal or civil, the effect or purpose of which is to compel the removal, alteration, or relocation of any structure by reason of any alleged violation of the provisions of this chapter, or any ordinance

or by-law adopted thereunder, or the conditions of any variance or special permit, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land lies within ten years next after the commencement of the alleged violation. Such notice shall include names of one or more of the owners of record, the name of the person initiating the action, and adequate identification of the structure and the alleged violation.

SECTION 22. The tenth paragraph of section 9 of said chapter 40A, as appearing in section 1 of chapter 498 of the acts of 1987, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- After the expiration of twenty days without notice of appeal pursuant to section seventeen, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the city or town clerk shall issue a certificate stating the date of approval, the fact that the special permit granting authority failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner.

SECTION 23. The fifth paragraph of section 15 of said chapter 40A, as appearing in section 3 of said chapter 498, is hereby amended by striking out the eighth sentence and inserting in place thereof the following sentence:- After the expiration of twenty days without notice of appeal pursuant to section seventeen, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the city or town clerk shall issue a certificate stating the date of approval, the fact that the board failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner.

SECTION 24. Section 12 of chapter 40J of the General Laws, as amended by section 7 of chapter 78 of the acts of 1988, is hereby further amended by striking out paragraph (g) and inserting in place thereof the following paragraph:-

(g) *Biennial Audit.* The books and records of the corporation shall be subject to a biennial audit by the auditor of the commonwealth.

SECTION 25. Section 103 of chapter 41 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 9, the word "the".

SECTION 26. Section 7 of chapter 44 of the General Laws is hereby amended by striking out clause (22), as so appearing, and inserting in place thereof the following clause:-

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for which a city or town is authorized to borrow, if authorized separately from any other debt relating to said project, five years.

SECTION 27. Section 31C of said chapter 44, as so appearing, is hereby

amended by striking out, in line 43, the word "the".

SECTION 28. The last paragraph of section 42 of chapter 54 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 22 of chapter 296 of the acts of 1988, and inserting in place thereof the following sentence:- 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, and, if the content of the ballot differs within a city or town, 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 28A. Section 3 of chapter 55B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 6, the word "and", the first time it appears, and inserting in place thereof the following words:- , which may include tape recording, and.

SECTION 29. Section 1 of chapter 57 of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the word "worcester" and inserting in place thereof the following word:- Worcester.

SECTION 30. The first paragraph of section 8 of chapter 58 of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the word "as" and inserting in place thereof the following word:- is.

SECTION 31. Section 25A of said chapter 58, as so appearing, is hereby amended by striking out, in line 10, the word "commissioner" and inserting in place thereof the following word:- commission.

SECTION 32. Section 25B of said chapter 58, as so appearing, is hereby amended by striking out, in line 47, the word "commission" and inserting in place thereof the following word: commissioner.

SECTION 33. Section 7 of chapter 58A of the General Laws, as so appearing, is hereby amended by striking out, in line 31, the words "and entry fee of" and inserting in place thereof the following words:- an entry fee.

SECTION 34. Section 7A of said chapter 58A, as so appearing, is hereby amended by striking out, in line 11, the word "the" and inserting in place thereof the following word:- a.

SECTION 35. Said section 7A of said chapter 58A, as so appearing, is hereby further amended by striking out, in line 22, the word "of", the second time it appears, and inserting in place thereof the following word:- to.

SECTION 36. Section 46 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "valuation", in line 2, the following word:- , classification.

SECTION 38. The first paragraph of section 59 of said chapter 59, as so appearing, is hereby amended by striking out, in line 29, the word "had" and inserting in place thereof the following word:- has.

SECTION 39. Section 6 of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "in".

SECTION 40. Section 23 of said chapter 60, as so appearing, is hereby amended by striking out, in line 7, the word "section" and inserting in place thereof the following word:- sections.

SECTION 41. Section 24 of said chapter 60, as so appearing, is hereby amended by striking out, in line 7, the word "equipments" and inserting in place thereof the following word: equipment.

SECTION 42. Section 80B of said chapter 60, as so appearing, is hereby amended by striking out, in line 2, the word "the", the second time it appears, and inserting in place thereof the following word:- this.

SECTION 43. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by striking out, in line 37, the word "Chapter" and inserting in place thereof the following word:- chapter.

SECTION 44. Said section 1 of said chapter 60A, as so appearing, is hereby further amended by striking out, in line 42, the word "of", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 45. Section 2 of said chapter 60A, as so appearing, is hereby amended by striking out, in line 45, the word "effect" and inserting in place thereof the following word:- affect.

SECTION 46. Paragraph (1) of subsection (d) of section 2 of chapter 62 of the General Laws, as most recently amended by section 4 of chapter 202 of the acts of 1988, is hereby further amended by striking out subparagraph (B) and inserting in place thereof the following subparagraph:-

(B) Any deduction relating or allocable to any income not included in Massachusetts gross income or a proportionate part of any deduction which is in part so relating or allocable.

SECTION 47. Section 6 of said chapter 62 is hereby amended by striking out subsection (c), inserted by section 1 of chapter 403 of the acts of 1978.

SECTION 48. Subsection (b) of section 10 of said chapter 62, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 43, the word "unascertainable" and inserting in place thereof the following word:- unascertained.

SECTION 49. Section 8A of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "or", the first time it appears, and inserting in place thereof the following word:- of.

SECTION 50. Paragraph 1 of section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "affect" and inserting in place thereof the following word:- effect.

SECTION 52. Paragraph (a) of section 38H of said chapter 63, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 5, the word "hearing" and inserting in place thereof the following word:- heating.

SECTION 53. Section 67 of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner shall annually assess as of the last day of the taxable year, as defined in paragraph 6 of section thirty, an excise tax upon the interest of every corporation organized under the laws of this commonwealth and having a place of business therein, in any ship or vessel which has, during the period of its business in the year preceding such day, been engaged in interstate or foreign carrying trade or engaged exclusively in fishing and documented and carrying "papers" under the laws of the United States, which tax shall be one-third of one percent upon the value of such interest as determined by him.

SECTION 54. Section 9 of chapter 64A of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:For any violation of this section, the license to keep and sell crude petroleum or any of its products, issued by the licensing authority under chapter one hundred and forty-eight, shall be suspended by the said authority on request of the commissioner of revenue for such time as said commissioner deems proper.

SECTION 55. Paragraph (g) of section 1 of chapter 64G of the General Laws, as appearing in section 1 of chapter 31 of the acts of 1988, is hereby amended by striking out, in line 7, the word "or", the second time it appears, and inserting in place thereof the following word:- of.

SECTION 56. Paragraph (b) of section 10 of chapter 65C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "sixty-two C", in line 34, the following word:- until.

SECTION 57. Section 4 of chapter 68A of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word "and" and inserting in place thereof the following word:- any.

SECTION 58. Section 2 of chapter 76 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "the preceding section" and inserting in place thereof the following words:- section one.

SECTION 59. Section 15 of chapter 80 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "interests" and inserting in place thereof the following word:- interest.

SECTION 60. Chapter 85 of the General Laws is hereby amended by striking out section 17, as so appearing, and inserting in place thereof the following section:-

Section 17. Whoever violates any of the provisions of section fifteen or section sixteen shall be punished by a fine of not more than five dollars. The driver or custodian of a vehicle shall be deemed to be the party responsible therefor and shall

be liable to the foregoing penalty.

SECTION 61. Section 1B of chapter 90 of the General Laws is hereby amended by striking out the last paragraph, added by section 22 of chapter 202 of the acts of 1988, and inserting in place thereof the following paragraph:-

A person convicted of a violation of 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 62. Section 20B of chapter 90D of the General Laws, as appearing in section 29 of chapter 273 of the acts of 1988, is hereby amended by striking out, in line 1, the word "(a) No" and inserting in place thereof the following word:- No.

SECTION 63. Section 21 of chapter 94A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 12 and 13, the word "paragraph (8)" and inserting in place thereof the following word:- paragraph (7).

SECTION 64. Section 3 of chapter 100A of the General Laws, as appearing in section 32 of said chapter 273, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 and subject to the provisions of chapter thirty A.

SECTION 65. The second paragraph of section 7 of said chapter 100A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- 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 meruit or otherwise, notwithstanding any other law to the contrary.

SECTION 66. The sixth paragraph of section 70E of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 127, the words "viable; and" and inserting in place thereof the following word:- viable.

SECTION 67. Section 111C of said chapter 111, inserted by chapter 696 of the acts of 1987, is hereby amended by striking out the definition of "Unprotected exposure capable of transmitting on infectious disease dangerous to the public health" and inserting in place thereof the following definition:-

"Unprotected exposure capable of transmitting an infectious disease dangerous to the public health" shall be defined in regulations promulgated by the department and shall include, but not be limited to, instances of direct mouth-to-mouth

resuscitation, or the co-mingling of the blood of the patient and the person who has transported the patient to the health care facility.

SECTION 68. Section 197B of said chapter 111, as appearing in section 9 of chapter 773 of the acts of 1987, is hereby amended by striking out, in lines 14, 15 and 38, the word "paragraph (c)", each time it appears, and inserting in place thereof, in each instance, the following word:- paragraph (e).

SECTION 69. Section 150A 1/2 of said chapter 111, inserted by section 17 of chapter 584 of the acts of 1987, is hereby amended by striking out clause (15) and inserting in place thereof the following clause:-

(15) the extent to which existing solid waste disposal facilities are located within a municipality. Site assignments for new facilities are preferred in municipalities without existing facilities.

SECTION 70. Section 8 of chapter 111D of the General Laws is hereby amended by striking out clause (15), as appearing in section 21 of chapter 199 of the acts of 1988, and inserting in place thereof the following clause:-

(15) engage in any misrepresentation or false advertising of the nature, quality or cost of such services or of the terms and conditions on which such services are provided.

SECTION 71. The definition of "Advertise" in section 163 of chapter 112 of the General Laws, as appearing in section 2 of chapter 521 of the acts of 1987, is hereby amended by inserting after the word "allowing", in line 3, the following word:- of.

SECTION 72. Paragraph F of section 23 of chapter 119 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 71, the word "a" and inserting in place thereof the following word:- an.

SECTION 73. Section 56 of said chapter 119, as so appearing, is hereby amended by striking out, in line 34, the word "or" and inserting in place thereof the following word:- to.

SECTION 74. The first paragraph of section 90A of chapter 127 of the General Laws, as amended by chapter 24 of the acts of 1988, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner may extend the limits of the place of confinement of a committed offender at any state correctional facility by authorizing such committed offender under prescribed conditions to be away from such correctional facility but within the commonwealth for a specified period of time, not to exceed fourteen days during any twelve month period nor more than seven days at any one time; provided, however, that no committed offender who is serving a life sentence or a sentence in a state correctional facility for violation of section thirteen, thirteen B, fourteen, fifteen, fifteen A, fifteen B, sixteen, seventeen, eighteen, eighteen A, nineteen, twenty, twenty-one, twenty-two, twenty-two A, twenty-three, twenty-four, twenty-four B, twenty-five or section twenty-six of chapter two hundred and sixty-five, or section seventeen, thirty-four, thirty-five, or section thirty-five A of chapter two hundred and seventy-two, or for an attempt to commit any crime

referred to in said sections shall be eligible for temporary release under the provisions of this section except on the recommendation of the superintendent on behalf of a particular committed offender and upon the approval of the commissioner; and, 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.

SECTION 75. Section 23 of chapter 128A of the General Laws, as appearing in section 5 of chapter 680 of the acts of 1987, is hereby amended by striking out, in lines 26 and 27, the words "or for the purpose of the racetrack facility".

SECTION 76. 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 5, the word "mobil" and inserting in place thereof the following word:- mobile.

SECTION 77. The fifth paragraph of subsection (4) of section 44E of chapter 149 of the General Laws, as appearing in section 9 of chapter 210 of the acts of 1988, is hereby amended by striking out clauses (3), (4) and (5) and inserting in place thereof the following three clauses:-

(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;

(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; and

(5) except where the request for proposals calls for manufacture 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.

SECTION 78. The ninth paragraph of said subsection (4) of said section 44E of said chapter 149, as so appearing, is hereby amended by striking out clauses (2), (3), and (4) and inserting in place thereof the following three clauses:-

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

(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.

SECTION 79. Subsection (1) of section 44J of said chapter 149 is hereby amended by striking out the first sentence, as amended by section 10 of said chapter 210, 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 subsection (4) of section forty-four E, 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 80. Section 8 of chapter 150E of the General Laws is hereby amended by striking out the last sentence, added by section 1 of chapter 186 of the acts of 1988, and inserting in place thereof 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 arbitration 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 81. Section 71A of chapter 151A of the General Laws is hereby amended by striking out the definition of "Facility", as amended by section 47 of chapter 23 of the acts of 1988, and inserting in place thereof the following definition:-

"Facility", a plant, factory, commercial business, hospital, institution or other place of employment located in the commonwealth which had fifty or more employees, as defined in this section, during any month in the six month period prior to the date of certification.

SECTION 82. Subsection (1) of section 25C of chapter 152 of the General Laws, as appearing in section 10 of chapter 691 of the acts of 1987, is hereby amended by striking out, in line 5, the word "or" and inserting in place thereof the following word:- of.

SECTION 83. Section 30 of chapter 170 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 103, the words "Co-operative Bank League of Massachusetts" and inserting in place thereof the following words:- Massachusetts League of Community Banks.

SECTION 84. Sections one hundred and ninety-seven to two hundred and three of chapter one hundred and seventy-five of the General Laws, inserted by section one of chapter six hundred and thirty-two of the acts of nineteen hundred and eighty-six, are hereby repealed.

SECTION 85. Said chapter 175 is hereby amended by striking out section 197,

inserted by section 2 of said chapter 632, and inserting in place thereof the following section:-

Section 204. The commissioner shall, after notice and hearing pursuant to chapter thirty A, promulgate regulations governing the replacement of life insurance policies and annuities. Such regulations shall be based upon the model regulation governing replacement of life insurance and annuities developed by the National Association of Insurance Commissioners. Such regulations shall, in addition to other provisions, require the delivery of a notice regarding replacement of a life insurance policy or annuity contract.

SECTION 86. The second paragraph of section 6 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 4, the words "Corporation loan's" and inserting in place thereof the following words:- Corporation's loan.

SECTION 87. The last paragraph of section 3 of chapter 176B of the General Laws, as appearing in section 58 of chapter 23 of the acts of 1988, is hereby amended by inserting after the word "opportunity", in line 7, the following words:- to offer.

SECTION 88. The fifth paragraph of section 4 of chapter 181 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (5) and inserting in place thereof the following clause:-

(5) the amount of its capital stock, authorized and issued, including the number and par value, if any, of its shares.

SECTION 89. Section 1 of chapter 201A of the General Laws, as so appearing, is hereby amended by striking out the definition of "Court" and inserting in place thereof the following definition:-

"Court", the probate and family court.

SECTION 90. Section 28A of chapter 207 of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the word "a" and inserting in place thereof the following word:- an.

SECTION 91. Said section 28A of said chapter 207, as so appearing, is hereby further amended by striking out, in line 36, the word "requirement" and inserting in place thereof the following word:- requirements.

SECTION 92. Section 11 of chapter 208 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The evidence produced at such ex parte hearing shall not be reported or made a part of the record in the case and the motion for said amendment shall not be read in open court during the proceedings, but the register of probate shall make an entry in the docket of "Motion to insert name of third person allowed" or "Motion to insert name of third person denied", as the case may be.

SECTION 93. Section 18 of said chapter 208, as so appearing, is hereby amended by striking out, in line 5, the second time it appears, the word "of" and

inserting in place thereof the following word:- or.

SECTION 94. Section 9 of chapter 209C of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the word "subsection (f)" and inserting in place thereof the following word:- subsection (e).

SECTION 95. Chapter 211 of the General Laws is hereby amended by striking out sections 26 and 27, inserted by section 4 of chapter 206 of the acts of 1988.

SECTION 96. Section 10 of chapter 211B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 5, the word "to" and inserting in place thereof the following word:- of.

SECTION 97. Said chapter 211B is hereby further amended by striking out section 17, added by section 9 of chapter 206 of the acts of 1988, and inserting in place thereof the following section:-

Section 18. 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 said institute. 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 98. Section 38 of chapter 237 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "defendants" and inserting in place thereof the following word:- defendant's.

SECTION 99. Section 7 of chapter 252 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "preceding section" and inserting in place thereof the following words:- section six.

SECTION 100. Section 5 of chapter 254 of the General Laws, as most recently amended by section 2 of chapter 760 of the acts of 1987, is hereby further amended

by striking out the first sentence and inserting in place thereof the following sentence:- A lien upon land for the erection, alteration, repair or removal of a building or other structure or a lien established under section seventy-six of chapter sixty-three, under section six of chapter one hundred and eighty-three A, or under subsection (a) of section twenty-nine of chapter one hundred and eighty-three B shall be enforced by a civil action brought in the superior court for the county where such land lies or in the district court in the judicial district where such land lies.

SECTION 101. The second paragraph of subdivision (a) of section 28 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the word "commended" and inserting in place thereof the following word:- commenced.

SECTION 102. The second sentence of section 35 of chapter 448 of the acts of 1854, as appearing in section 1 of chapter 48 of the acts of 1989, is hereby amended by striking out, in line 2, the word "statutory" and inserting in place thereof the following word:- salutary.

SECTION 103. The last sentence of paragraph *(a)* of section 8 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 striking out, in line 6, the word "nine" and inserting in place thereof the following word:- twelve.

SECTION 104. The last sentence of paragraph *(b)* of said section 8 of said chapter 645, as so appearing, is hereby amended by striking out, in line 5, the word "nine" and inserting in place thereof the following word:- twelve.

SECTION 105. Paragraph *(c)* of section 9 of said chapter 645, as so appearing, is hereby amended by inserting after the word "in", in line 7, the following words:- paragraph *(b)* of.

SECTION 106. 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 107. Section 12 of chapter 191 of the acts of 1982 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- This program shall be subject to a full audit and biennial report by the state auditor.

SECTION 108. Paragraph (a) of section 8 of chapter 485 of the acts of 1984

is hereby amended by striking out, in lines 16 and 17, the words "Cooperative Bank League" and inserting in place thereof the following words:- League of Community Banks.

SECTION 109. Section 5 of chapter 734 of the acts of 1987 is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) the psychologist has a diploma from the American Board of Professional Psychology in Clinical Psychology or Counseling Psychology.

SECTION 110. Section two A of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 111. Section eighteen of said chapter one hundred and ninety-nine is hereby repealed.

SECTION 112. Section twenty-nine of said chapter one hundred and ninety-nine is hereby repealed.

SECTION 113. Section five A of chapter two hundred and fifty-four of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 114. Sections one and two of chapter two hundred and eighty-two of the acts of nineteen hundred and eighty-eight are hereby repealed.

SECTION 115. Section twenty-four of chapter two hundred and ninety-six of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 116. Section 2 of chapter 78 of the acts of 1989 is hereby amended by striking out, in lines 3 and 4, the word "Dewart", each time it appears, and inserting in place thereof the following word:- "Dewert".

SECTION 117. Section 1 of chapter 106 of the acts of 1989 is hereby amended by adding the following sentence:- The provisions of this paragraph shall apply to every city or town, including, but not limited to the city of Boston and the city of Cambridge.

SECTION 118. The provisions of section eighty shall not apply to any contract provisions entered into prior to September twelfth, nineteen hundred and eighty-eight.

SECTION 120. Section one hundred and seven of this act shall take effect as of September twentieth, nineteen hundred and eighty-eight.

Approved August 15, 1989.

Chapter 342. AN ACT RELATIVE TO SEWER USER FEES IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-four of the acts of nineteen hundred and eighty-two is hereby repealed, effective July first, nineteen hundred and ninety.

SECTION 2. This act shall be submitted to the voters of the city of Pittsfield at the city election to be held in the year nineteen hundred and eighty-nine in the form of the following question, which shall be placed upon the official ballot to be used for the election of city officers at said election: "Shall an Act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An act relative to sewer fees in the City of Pittsfield', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative then this act shall take full effect, but not otherwise.

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

Approved August 15, 1989.

Chapter 343. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF DARTMOUTH FROM CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of laborers in the department of public works and cafeteria workers, custodial and maintenance persons in the department of education in the town of Dartmouth shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of laborer in the department of public works or cafeteria worker or custodial or maintenance person in the town of Dartmouth on the effective date of this act.

Approved August 15, 1989.

Chapter 344. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Any person who holds an elective office in the town of Yarmouth may be recalled therefrom by the registered voters of the town in the manner provided herein.

SECTION 2. Any one hundred qualified voters of the town may file with the town clerk of said town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk within five working days shall thereupon deliver to the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto; they

shall be dated and addressed to the board of selectmen of said town, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within fifty days after the filing of the affidavit.

Said petition before being returned and filed shall have been signed by twenty-five percent of the qualified voters as of the most recent town election and to every signature shall be added the place of residence of the signer, giving the street and number, if any.

The town clerk shall within one working day following the day of such filing submit the petition to the registrars of voters and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters as of the date of the most recent town election.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit it with his certification to the selectmen without delay. The board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the board of selectmen shall order a recall election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to be held within one hundred days after the date of the certificate, the board of selectmen may, at 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 by the board of selectmen the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer whose recall is sought may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the General Laws relating to elections unless otherwise provided by this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven.

If the officer is recalled, he shall be deemed removed upon the qualification of his successor, who shall serve for the balance of the unexpired term of the officer removed. 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 state the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition there shall be a place to vote for either of the said propositions. After the propositions 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 the official who is subject of the recall petition is a candidate, his name shall be the first listed; all others shall be listed alphabetically. If a majority of the votes cast upon the question of recall is in the affirmative, the officer shall be deemed to be recalled and the candidate receiving the highest number of votes shall be declared elected. If a majority of the 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 within six months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

SECTION 8. No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against him shall be appointed to any town office within one year after such recall or resignation.

Approved August 15, 1989.

Chapter 345. AN ACT DIRECTING THE RETIREMENT BOARD OF THE CITY OF CHELSEA TO CREDIT CERTAIN MONIES RECEIVED FOR RETIREMENT PURPOSES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one of chapter thirty-two of the General Laws or any other general or special law or rule or regulation to the contrary, the retirement board of the city of Chelsea is hereby authorized and directed to credit as regular compensation for the purposes of said chapter thirty-two all monies received by John P. Dalis in his capacity as municipal census supervisor in said city for the calendar years nineteen hundred and eighty-five and nineteen hundred and eighty-six.

Approved August 15, 1989.

Chapter 346. **AN ACT PROVIDING THAT CERTAIN CALL FIRE FIGHTERS OF THE TOWN OF MANSFIELD SHALL BE ELIGIBLE FOR GROUP INSURANCE BENEFITS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary, any call fire fighter who has been retired by the board of selectmen of the town of Mansfield pursuant to the provisions of section eighty-five H of chapter thirty-two of the General Laws shall be deemed a retired employee for the purposes of chapter thirty-two B of the General Laws.

Approved August 15, 1989.

Chapter 347. **AN ACT EXEMPTING POSITIONS WITHIN THE LABOR SERVICE OF THE TOWN OF SOUTH HADLEY FROM THE PROVISIONS OF CIVIL SERVICE LAW AND RULES.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any of the provisions of chapter forty-one of the acts of nineteen hundred and forty-five or the provisions of chapter eleven of the acts of nineteen hundred and sixty-four or any other general or special law or rule to the contrary, the offices and positions within the labor service of the highway department and of the park and playground commission of the town of South Hadley shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding a position referred to in said section one.

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

Approved August 22, 1989.

Chapter 348. **AN ACT AUTHORIZING THE STATE SECRETARY TO SOLEMNIZE 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 in said section thirty-nine, the solemnization of a marriage by Alan Mark Alpert of Newton Highlands, Massachusetts, in the town of Agawam, Massachusetts on September third, nineteen hundred and eighty-nine between Debra Y. Pick of West Hartford, Connecticut and Marshall David Marcus of Hamden, Connecticut, and the state secretary shall issue to said Alan Mark Alpert in his capacity as aforesaid a certificate of such authorization.

Approved August 28, 1989.

Chapter 349. **AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE NINETEEN HUNDRED AND EIGHTY-NINE ANNUAL TOWN MEETING IN THE TOWN OF NORTH ANDOVER.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all actions and proceedings of the town of North Andover at its annual town meeting held in May, nineteen hundred and eighty-nine, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such meeting had been published and posted as required by law.

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

Approved August 31, 1989.

Chapter 350. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred

and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable John Leonard as he is a justice of the district court department of the trial court of the commonwealth, in the city of Cambridge on September third, nineteen hundred and eighty-nine, between Harriet Weiner and William M. Hodgdon both of the city of Beverly, and the state secretary shall issue to said Honorable John Leonard in his capacity as aforesaid a certificate of such authorization.

Approved August 31, 1989.

Chapter 351. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding any provision 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 Mary McCauley Manzi, as she is a justice of the probate and family court department of the trial court of the commonwealth, in the city of Boston on September ninth, nineteen hundred and eighty-nine between Michael J. McCauley of the city of Los Angeles in the state of California and Susan L. Jacobson of said same city, and the state secretary shall issue to said justice Mary McCauley Manzi in her capacity as aforesaid a certificate of such authorization.

Approved August 31, 1989.

Chapter 352. **AN ACT AUTHORIZING QUALIFIED PSYCHOLOGISTS TO PERFORM COURT ORDERED EXAMINATIONS REGARDING THE COMMITMENT OF ALCOHOLICS.**

Be it enacted, etc., as follows:

The third paragraph of section 35 of chapter 123 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last

sentence and inserting in place thereof the following sentence:- The court shall order examination by a qualified physician or aqualified psychologist. *Emergency Letter: September 5, 1989 @ 4:10 P.M.* Approved September 5, 1989

Chapter 353. AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO ESTABLISH CERTAIN BY-LAWS, FINES AND PENALTIES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Falmouth, acting through its town meeting, may by by-law establish fines and penalties for violations of by-laws relating to illegal dumping, and the disposal of trash, refuse, rubbish and debris, not to exceed two thousand dollars for each offense.

Approved September 5, 1989.

Chapter 354. AN ACT AUTHORIZING THE TOWN OF SANDWICH TO RECEIVE AND ADMINISTER THE PROPERTY OF THE BAY VIEW CEMETERY CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The Bay View Cemetery Corporation may, by deed duly executed, convey and transfer to the town of Sandwich, and said town is hereby authorized and empowered to receive, and thereafter to hold and maintain for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property of said corporation not subject to any trust, and thereupon, and upon the transfer of the trust funds as hereinafter provided, said corporation shall be dissolved; and the cemetery of said corporation shall be a public burial place, ground, and cemetery.

SECTION 2. In so far as authorized by a decree of a court of competent jurisdiction and in compliance with the terms and conditions of such decree, the town of Sandwich may receive from said corporation a conveyance and transfer of, and administer, all funds or other property held by said corporation in trust for the perpetual care of the lots in the cemetery and for other purposes, and also any property devised or bequeathed to said corporation under the will of any person living at the time of said transfer or conveyance or under the will of any deceased person not then probated. Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section twenty-five of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of said corporation, or of any lots in the cemetery may, after such

conveyance, be paid by such bank or institution to the treasurer of said town; and upon such payment said treasurer shall use the same for the purposes of said trust.

SECTION 3. All real and personal property and property rights, acquired by the town of Sandwich from said corporation under authority of this act, shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, however, that all rights which any persons have acquired in the cemetery of said corporation or any lots therein shall remain in force to the same extent as if this act had not been enacted and such transfer had not occurred. The records of said corporation shall be delivered to the clerk of said town and such clerk may certify copies thereof.

Approved September 8, 1989.

Chapter 355. AN ACT RELATIVE TO THE TERM OF OFFICE OF THE CITY CLERK OF THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter one hundred and twenty-seven of the special acts of nineteen hundred and eighteen or any other general or special law to the contrary, the board of aldermen of the city of Somerville shall appoint the city clerk for a term of three years. In the case of a vacancy the person appointed shall hold office for the unexpired term.

Approved September 8, 1989.

Chapter 356. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO CONTINUE THE EMPLOYMENT OF DOMINIC R. SCALESE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Dominic R. Scalese, a sergeant in the Cambridge police department, is hereby authorized to continue in such position until and including October thirty-first, 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 not serve in any event in such position subsequent to October thirty-first, nineteen hundred and eighty-nine, unless and until he shall have been examined, at his own expense, by an impartial physician designated by the Cambridge retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the

provisions of chapter thirty-two of the General Laws for service subsequent to said October thirty-first, nineteen hundred and eighty-nine, and upon retirement said employee shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired on said date.

SECTION 2. The provisions of this act shall take effect upon an affirmative vote of the city council of the city of Cambridge, subject to the provisions of the charter of said city.

Approved September 8, 1989.

Chapter 357. 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 Kenneth B. Schwartz, Esquire, a member in good standing of the Massachusetts bar, in the town of Waltham, on October fifteenth, nineteen hundred and eighty-nine, between Lynn Modell and Andrew Dreyfus, both of the city of Cambridge and the state secretary shall issue to said Kenneth B. Schwartz, Esquire in his capacity as aforesaid a certificate of such authorization.

Approved September 12, 1989.

Chapter 358. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL ELECTION IN THE TOWN OF NEW SALEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of New Salem at its nineteen hundred and eighty-nine annual town election held on May first, nineteen hundred and eighty-nine and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such election had been

published and posted as required by law.

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

Approved September 18, 1989.

Chapter 359. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate immediately the issuance of bonds and notes to carry out the purposes of various acts passed during the regular annual legislative session of the year nineteen hundred and eighty-nine, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-one of chapter two hundred and seventy-five of the acts of nineteen hundred and eighty-nine, providing for local water pollution abatement facilities projects, 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 twenty-five, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine 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 twenty-two of chapter two hundred and seventy-five of the acts of nineteen hundred and eighty-nine, providing for acquisition of watershed preservation restrictions 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 twenty-five, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine 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 twenty-three of chapter two hundred and seventy-five of the acts of nineteen hundred and eighty-nine, 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 five, as recommended by the governor in a message to the general court dated August

twenty-first, nineteen hundred and eighty-nine 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 one of chapter three hundred and two of the acts of nineteen hundred and eighty-nine, providing for payments of outstanding liabilities from the nineteen hundred and eighty-nine fiscal year shall be issued for terms not to exceed one year; provided, however, that all such bonds shall be payable by January thirty-first, nineteen hundred and ninety-one, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine 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 two of chapter three hundred and two of the acts of nineteen hundred and eighty-nine, 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 January thirty-first, nineteen hundred and ninety-one, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine 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 four of chapter three hundred and two of the acts of nineteen hundred and eighty-nine, providing for payment of certain liabilities of the commonwealth's medical assistance program shall be issued for terms not to exceed two years; provided, however, that all such bonds shall be payable by January thirty-first, nineteen hundred and ninety-two, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine 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 five of chapter three hundred and two of the acts of nineteen hundred and eighty-nine, 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 January thirty-first, nineteen hundred and ninety-two, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine 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 six of chapter three hundred and two of the acts of nineteen hundred and eighty-nine, shall be issued

and may be renewed one or more times for terms not exceeding ninety days and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine 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 notes which the state treasurer is authorized to issue under section eight of chapter three hundred and two of the acts of nineteen hundred and eighty-nine, shall be issued and may be renewed one or more times for terms not exceeding one hundred and eighty days and the final maturities of such notes, whether original or renewal, shall not be later than January thirty-first, nineteen hundred and ninety-two, as recommended by the governor in a message to the general court dated August twenty-first, nineteen hundred and eighty-nine in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved September 18, 1989.

Chapter 360. AN ACT FURTHER REGULATING THE REPAIR, MAINTENANCE OR RECONSTRUCTION OF SCENIC ROADS.

Be it enacted, etc., as follows:

The second paragraph of section 15C of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- Any city or town making said scenic road designation may make an ordinance or by-law establishing that a violation of this paragraph shall be punished by a fine not to exceed three hundred dollars.

Approved September 18, 1989.

Chapter 361. AN ACT PROVIDING FOR A DRINKING WATER PROTECTION FUND.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 39J the following section:-

Section 39J 1/2. (a) Any city or town which accepts the provisions of this section either by a majority vote of the city or town council or by majority vote at an annual town meeting, may establish a drinking water protection district in conjunction with at least one other city or town sharing a common drinking water resource,

including but not limited to an aquifer, a recharge area or a watershed. Said drinking water protection district shall be for the purposes of water conservation, resource management and protection, and resource planning of drinking water supplies in said district including public wells, reservoirs and acquifers which are affected by more than one such city or town.

The drinking water protection commission shall be composed of two members from each municipality in said district to be appointed by the mayor of a city or the board of selectmen of a town for a term of three years.

Each city or town in said district shall adopt a pricing system which charges all users of public or private water supplies within said city or town for protection of water resources. Said pricing system shall not impose a charge in excess of ten percent of the annual cost of water as charged by metered service or fixed rate. If service is without meters or if the water supply is private, a flat fee may be charged; provided, however, that such flat fee shall not exceed ten percent of the average annualized residential or commercial metered use whichever is applicable in such city or town; and provided, further, that in a city or town without a public water system a flat fee to be established by a majority vote of an annual town meeting, town council or city council, whichever is applicable shall be charged.

Such charges or fees collected under the provisions of this section shall be forwarded to the drinking water protection commission which shall deposit the same in the Drinking Water Protection Fund established under subsection (b).

(b) There is hereby established in each drinking water protection district a Drinking Water Protection Fund, hereinafter called fund, to be administered by the drinking water protection commission in each such district.

Said drinking water protection commission shall be eligible to apply for state funding available to a city or town. Upon receipt, such funds shall be deposited in the fund. Contributions, whether public or private, shall also be deposited in the fund for the purposes set forth herein.

Commission members shall serve without compensation. The commission shall elect a chairperson and such officers as it may by rule provide, and may make by majority vote such other rules and regulations consistent with the provisions of this section. The commission may, by majority vote of its members, hire such staff as is necessary to further the purposes of the commission.

A commission may issue bonds as provided herein. The chairperson of any such commission is hereby authorized and empowered in connection with any borrowing under this section to enter into one or more trust or security agreements between such commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, or directly between such commission and the lenders on the debt obligations, necessary to effectuate and to secure such borrowing. Such agreements may pledge or assign, and create a security interest in, in whole or in part, the revenues and other money held or to be received by the commission from any

project being financed or from any fees or charges imposed by such commission relating to the powers of commissions as provided in subsection (c), whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the commission and the proceeds thereof. Such agreements may contain provisions for protecting and enforcing the rights, security and remedies of the holders of such debt obligations, including without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the commission in relation to the functioning of the project being financed by such debt obligations, the custody, safeguarding, investment and application of money, the issuance of additional debt obligations, the fixing, revision and collection of fees or other charges relating to water supply protection, the use of any surplus proceeds of the borrowing, including any investment earnings thereon, the establishment of special funds and reserves and the making and amending of contracts relating to such project.

The pledge on any such agreement shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter one hundred and six and any other law from the time when the pledge is made and shall be supported by the full faith and credit of member municipalities. The revenues, money, rights and proceeds so pledged and then held or thereafter acquired or received 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 commission, irrespective of whether such parties have notice thereof. No document by which a pledge is created need be filed or recorded except in the records of a city or town and no filing need be made under the provisions of said chapter one hundred and six.

Any such trust agreement may provide that any money received thereunder may be deposited or invested, pending the disbursement thereof, in any deposits or investments which are lawful for the funds of cities or towns pursuant to section fifty-five of chapter forty-four, and shall provide that any officer with whom or any bank or trust company with such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof and thereof, subject to such regulation or limitation as this section or such agreement may provide.

It shall be lawful for any bank or trust company to act as depository or trustee of the proceeds of debt obligations, revenues or other money pledged under any such agreement and to furnish such indemnifying bonds or to pledge such security and issue such letters or lines of credit or other credit facilities as may be required by the commission. Any agreement entered into pursuant to this section may set forth the rights and remedies of the holders of any debt obligations and of the trustee and may restrict the individual right of action by any such holders. In addition to the foregoing, any such agreement may contain such other provisions

as the commission may deem reasonable and proper. All expenses incurred in carrying out the provisions of such agreement may be treated as a cost of issuance hereunder. In addition to the foregoing, any such agreement may contain such other provisions as the commission may deem reasonable and proper. All expenses incurred in carrying out the provisions of such agreement may be treated as a cost of issuance thereunder. In addition to other security provided by a commission, such debt obligations may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit or other credit facilities issued to the commission by any bank, trust company or other financial institution, within or without the commonwealth, and the commission may pledge or assign any of its revenues and other money held or to be received by the commission from the project being financed or from any fees or charges imposed by such commission relating to water supply protection as security for the reimbursement by the commission to the issuers of such letters of credit, insurance or credit facilities of any payments made thereunder.

Any holder of a debt obligation issued by a commission under the provisions of this section or of any of the coupons appertaining thereto or any trustee under an agreement securing the same, except to the extent the rights herein given may be restricted by such agreement, may bring suit upon the debt obligations or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the facilities financed by such debt obligations to operate and maintain the same, to make any necessary repairs, renewals and replacements in respect thereof and to fix, revise and collect fees and charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such agreement or other agreement, and may enforce and compel the performance of all duties required by this section or by such agreements to be performed by the commission by any officer thereof.

A pledge of revenue in accordance with the provisions of this section shall constitute a sufficient appropriation thereof for the purposes of any provision for appropriation for so long as such pledge shall be in effect and, notwithstanding any other general or special law to the contrary, such revenues may be applied as required by the pledge and the agreement evidencing the same without further appropriation. Prior to issuing bonds, said commission shall obtain appropriate bonding authorization from a majority of member municipalities.

No appointments shall be made and no money expended hereunder except by the affirmative vote of a majority of the members of said commission. The commission shall maintain accurate records of its meetings, actions and financial transactions and shall file an annual report which shall be printed in the annual report of each member town. The commission shall prepare an annual budget which shall be subject to approval by a majority of the members of said commission. The provisions of chapter forty-four, not inconsistent with the

provisions of this section, shall apply to a drinking water protection district.

(c) The commission shall, subject to the provisions of this section have the power and authority to:

(1) assist municipalities in identification and protection of recharge and watershed areas for existing water supplies and locate and identify future drinking water supplies;

(2) assist municipalities by providing technical assistance for long-term planning to design and propose regional land use management efforts of drinking water resources that cut across town or water district boundaries;

(3) provide funds to assist municipal efforts to acquire land in fee simple, through easements, restrictions or other interests, buy development rights, or manage lands identified as important to drinking water resource supply and protection;

(4) provide for public education regarding water conservation, proper waste disposal and land use in recharge or watershed areas;

(5) supplement local emergency response systems in cooperation with the department of environmental quality engineering incidence response division, which teams shall be available to respond and assist where hazardous waste or chemical spills occur within a recharge or watershed area;

(6) coordinate, educate and disseminate information to the public regarding state and federal programs and monies available for drinking water resource projects;

(7) review and comment on proposed land use which may have an impact on resources of concern to the commission; and

(8) make available to private property owners grants for the removal of underground storage tanks considered by said commission to be a threat to the drinking water resource.

The commission shall not have authority to buy, sell or hold title to land, nor to take property by eminent domain, but may allocate funds to a member town with the stipulation that such funds be applied to the purchase of a specific parcel of land or development rights for a specific parcel of land by the member town to be used only for purposes consistent with the provisions of this section.

A city, by majority vote of city council, or a town, by majority vote at an annual town meeting or town council, may cease to be a member of said district subject to said city or town's share of bonding obligations incurred prior to such vote to withdraw. Said vote shall become effective six months after being certified by the city or town clerk and all funds collected prior to the effective date of withdrawal shall remain the property of the drinking water protection commission; provided, however that in the event that such withdrawal reduces commission membership to less than two municipalities, all funds collected prior to the date of dissolution not necessary to pay all existing obligations of the commission shall revert to the member municipalities on a pro rata basis to be used only for purposes consistent

with the protection and enhancement of water supplies.

Approved September 19, 1989.

Chapter 362. AN ACT RELATIVE TO VICTIM ASSISTANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for increased funds for the victims and witness assistance programs, 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 8 of chapter 258B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The court shall impose an assessment of no less than fifty dollars against any person who has attained the age of seventeen years and 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. The court shall impose an assessment of thirty dollars against any person who has attained the age of seventeen 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. The court shall impose an assessment of thirty dollars against any person who has attained the age of fourteen years and who is adjudicated a delinquent child or against whom a finding of sufficient facts for a finding of delinquency is made. The court, including the clerk-magistrate, shall impose an assessment of thirty dollars against any person who fails to pay the scheduled civil assessment for a civil motor vehicle infraction or to request a hearing within the twenty day period provided for in subsection (A) of section three of chapter ninety C, except where the person is required by law to exercise the right to pay before a justice. When multiple criminal offenses arising from a single incident are charged, or when multiple civil motor vehicle infractions arising from a single incident are charged, or when one or more criminal offenses and one or more civil motor vehicle infractions arising from a single incident are charged, the total assessment shall not exceed fifty dollars; provided, however, that the total assessment against a person who has not attained seventeen years shall not exceed thirty dollars. In the discretion of the court, including the clerk-magistrate in the case of a civil motor vehicle infraction that has not been heard by or brought before a justice, any assessment imposed pursuant to this section which would cause the person against whom the assessment is imposed severe financial hardship, may be reduced or waived.

SECTION 2. Section 9 of said chapter 258B, as so appearing, is hereby

amended by striking out the second sentence and inserting in place thereof the following sentence:- The proceeds of the fund shall be made available, subject to appropriation, to the board which shall determine the amounts to be disbursed to the district attorney victim and witness assistance programs, described in section five, through formula grants approved by the board; and to the district attorney victim and witness assistance programs, the attorney general, and the parole board for discretionary grants, approved by the board, serving crime victims and witnesses.

Approved September 20, 1989.

Chapter 363. AN ACT FURTHER REGULATING SENTENCING FOR CERTAIN CRIMES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 40. In sentencing a person for a violation of any provision of this chapter, the penalty for which includes imprisonment, a judge sitting in superior court or in a jury of six session who does not impose such sentence of imprisonment shall include in the record of the case specific reasons for not imposing a sentence of imprisonment. Notwithstanding any general or special law to the contrary, the record of such reasons shall be a public record.

SECTION 2. The provisions of this act shall apply to violations committed on or after the effective date of this act.

Approved September 20, 1989.

Chapter 364. 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

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 United States magistrate Joyce London Alexander, in the city of Newton on September twenty-third, nineteen hundred and eighty-nine between Zita Cousins and Michael Brown, both of said city of Newton, and the state secretary shall issue to said Joyce London Alexander in her capacity as aforesaid a certificate of such authorization.

Approved September 21, 1989.

Chapter 365. **AN ACT RELATIVE TO BORROWING BY REGIONAL SCHOOL DISTRICTS FROM THE UNITED STATES FARMERS HOME ADMINISTRATION.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow regional school districts to incur debt financed by the Farmers Home Administration, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Clause (20) of section 8 of chapter 44 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Regional school districts established pursuant to the provisions of any general or special law shall be authorized to incur debt for the purposes and within the limitations described in this clause.

Approved September 25, 1989.

Chapter 366. **AN ACT VALIDATING A CERTAIN VOTE TAKEN IN THE TOWN OF LYNNFIELD.**

Be it enacted, etc., as follows:

SECTION 1. The vote taken by the town of Lynnfield at the election held on April tenth, nineteen hundred and eighty-nine to exempt certain bonds from the annual tax limitations provided in section twenty-one C of chapter fifty-nine of the General Laws is hereby ratified, validated, and confirmed, notwithstanding any defect or omission in the calling of said election.

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

Approved September 25, 1989.

Chapter 367. **AN ACT DESIGNATING A CERTAIN BRIDGE ON INTERSTATE HIGHWAY ROUTE 84 IN THE TOWN OF STURBRIDGE AS THE WILLIAM "BILL" SWIACKI MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge carrying Interstate highway Route 84 over state highway Route 20 in the town of Sturbridge shall be known and designated as the William "Bill" Swiacki Memorial Bridge, in memory of William Swiacki, a former chairman of the school committee in the town of Sturbridge, and enshrined in the Football Hall of Fame. A suitable marker bearing such designation shall be erected by the department of public works in compliance with the standards of said department and as authorized by the federal bureau of public roads.

Approved September 25, 1989.

Chapter 368. **AN ACT RELATIVE TO THE INVESTMENT OF CERTAIN MONIES BY THE TOWN OF WILLIAMSBURG.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section five B of chapter forty or section fifty-four of chapter forty-four of the General Laws or any other general or special law to the contrary, the town treasurer of the town of Williamsburg, with the approval of the board of selectmen of said town, is hereby authorized to invest monies held in the stabilization fund and trust funds of said town in the Town of Williamsburg, Massachusetts, Investment Fund established under the provisions of chapter two hundred and three A of the General Laws.

SECTION 2. The commissioners of trust funds of the town of Williamsburg are hereby authorized to manage the Town of Williamsburg, Massachusetts, Investment Fund under the provisions of chapter one hundred and eighty A and may amend the instrument governing said Fund in accordance with the provisions of this act.

Emergency Letter: September 26, 1989 @ 9:54 A.M. Approved September 25, 1989.

Chapter 369. **AN ACT RELATIVE TO CERTAIN BORROWING BY THE TOWN OF CHATHAM.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-nine of chapter ninety-one of the General Laws, the town of Chatham is hereby authorized to undertake a project or projects for the dredging of Chatham Harbor; provided, however, that plans for any such project shall first have been approved by the department of environmental management.

SECTION 2. For purposes authorized by section one, the town of Chatham may borrow such sums as may be necessary pursuant to clause (17) of section seven of chapter forty-four of the General Laws, including the sums authorized by the votes adopted under article thirty-seven of the warrant for its nineteen hundred and eighty-eight annual town meeting and under article thirty-four of the warrant for its nineteen hundred and eighty-nine annual town meeting.

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

Approved September 26, 1989.

Chapter 370. 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 Eric L. Peters, as he is an attorney in the commonwealth, in the town of Dedham, on October seventh, nineteen hundred and eighty-nine, between Harriet Ann Phillippi of the town of Brookline and Charles William Ryan of the city of Larkspur in the state of California, and the state secretary shall issue to said Eric L. Peters in his capacity, as aforesaid, a certificate of such authorization.

Approved September 26, 1989.

Chapter 371. AN ACT AUTHORIZING THE SIMULTANEOUS HOLDING OF CERTAIN ALCOHOLIC BEVERAGE LICENSES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections twelve, nineteen, and nineteen C of chapter one hundred and thirty-eight of the General Laws or any other general or special law to the contrary, shareholders of the Northampton Brewery, LTD, a Massachusetts corporation, which holds a license, pursuant to the provisions of said section nineteen or said section nineteen C of said chapter one hundred and thirty-eight, may hold a direct or indirect interest in Brewster Court Pub, Inc., a Massachusetts corporation, doing business as Brewster Court Bar and Grill, which holds a license, pursuant to the provisions of said section twelve of said chapter one hundred and thirty-eight; and shareholders of said Brewster Court Pub, Inc., may hold a direct or indirect interest in Northampton Brewery, LTD.

Approved September 26, 1989.

Chapter 372. AN ACT RELATIVE TO THE ENTRY OF JUDGMENT IN CERTAIN ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by inserting after section 59F the following section:-

Section 59G. After notice of judgement a judgement of dismissal for failure to file a timely request for trial entered in an action in the district court shall be vacated upon the filing of a motion therefor within thirty days from entry of said judgement together with a request for trial. Such vacation of judgement shall take effect upon the filing of such motion and request for trial, and upon such vacation the original date of commencement of such action shall control for the purpose of determining compliance with time limitations for actions set forth in chapter two hundred and sixty. The term "district court" as used in this section shall include the Boston municipal court department and any division of the district court department.

SECTION 2. Notwithstanding the provisions of any other general or special law to the contrary, no action duly commenced in the district court within the time limits set forth in chapter two hundred and sixty of the General Laws shall be barred from being recommenced thereafter by reason of having been dismissed for failure to file a timely request for trial, where such dismissal was entered on or after August first, nineteen hundred and eighty-nine and before the effective date of this act. The term "district court" as used in this section shall include the Boston municipal court department and any division of the district court department.

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

Approved September 29, 1989.

Chapter 373. AN ACT FURTHER DEFINING "PSYCHOTHERAPIST".

Be it enacted, etc., as follows:

Section 20B of chapter 233 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the definition of "Psychotherapist" and inserting in place thereof the following definition:-

"Psychotherapist", a person licensed to practice medicine, who devotes a substantial portion of his time to the practice of psychiatry. "Psychotherapist" shall also include a person who is licensed as a psychologist by the board of registration of psychologists or a person who is a registered nurse licensed by the board of registration in nursing whose certificate of registration has been endorsed authorizing the practice of professional nursing in an expanded role as a psychiatric nurse mental health clinical specialist, pursuant to the provisions of section eighty B of chapter one hundred and twelve.

Approved September 29, 1989.

Chapter 374. AN ACT DESIGNATING A PORTION OF STATE HIGHWAY ROUTE 16 IN THE TOWN OF MENDON AS THE GEORGE WASHINGTON PRESIDENTIAL TRAIL.

Be it enacted, etc., as follows:

That portion of the state highway, Route 16, in the town of Mendon beginning at the intersection of North avenue, Main street and said Route 16, in said town of Mendon, and leading in a westerly direction along said Route 16 to the intersection of said Route 16, and Hartford avenue-west, in said town shall be designated and known as the George Washington Presidential Trail to commemorate the two hundredth anniversary of president George Washington's visit to the historic Blackstone valley, in November, seventeen hundred and ninety-eight.

Suitable markers bearing such designation shall be erected thereat by the department of public works, in compliance with the standards of said department.

Approved September 29, 1989.

Chapter 375. AN ACT PROVIDING CERTAIN INFORMATION RELATIVE TO TAX FREE BONDS OF GOVERNMENT UNITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting

after section 48A the following section:-

Section 48B. Any official statement prepared in connection with the sale of any bonds or notes of the commonwealth and all advertising of such bonds and notes, the interest on which is excludable from gross income for federal income tax purposes under the provisions of section 103 of the Internal Revenue Code (26 USC 103), shall include a reference to the collateral tax consequences which may result under section 86 of said Code (26 USC 83) to the holders of such bonds or notes who are recipients of social security benefits.

SECTION 2. Chapter 44 of the General Laws is hereby amended by inserting after section 22A the following section:-

Section 22B. Any official statement prepared in connection with the sale of any bonds or notes of a city, town or district and all advertising of such bonds and notes, the interest on which is excludable from gross income for federal income tax purposes under the provisions of section 103 of the Internal Revenue Code (26 USC 103), shall include a reference to the collateral tax consequences which may result under section 86 of said Code (26 USC 86) to the holders of such bonds or notes who are recipients of social security benefits.

Approved October 3, 1989.

Chapter 376. AN ACT INCREASING CERTAIN AUTHORIZATIONS FOR CAPITAL EXPENDITURES.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 120 of the acts of 1988 is hereby 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 section five 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 aggregate, the sum of four million dollars.

SECTION 2. Section 94 of chapter 164 of the acts of 1988 is hereby 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 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-four million one hundred and forty-nine thousand dollars.

SECTION 3. Section 2A of chapter 208 of the acts of 1988 is hereby amended by striking out item 1201-7890 and inserting in place thereof the following item:-

1201-7890 For costs associated with the development of the masstax system,

so-called $13,200,889

SECTION 4. Section 2C of said chapter 208 is hereby amended by striking out item 1599-7882 and inserting in place thereof the following item:-

1599-7882 For a reserve for the payment of certain court judgements, settlements, and legal fees, in compliance with regulations promulgated by the comptroller, 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-nine 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 $14,200,000

SECTION 5. Section 16 of said chapter 208 is hereby 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 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 specified by the governor from time to time, but not exceeding, in the aggregate, the sum of thirty-four million four hundred and twenty-five thousand eight hundred eighty-nine dollars.

SECTION 6. Section 18 of said chapter 208 is hereby 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 section two C of this act the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of nineteen million eight hundred twenty-two thousand two hundred dollars.

Emergency Letter: October 3, 1989 @ 3:59 P.M. Approved October 3, 1989.

Chapter 377. AN ACT EXEMPTING CERTAIN CLERICAL POSITIONS IN THE TOWN OF FRANKLIN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The clerical positions in the town hall of the town of Franklin, classified in the titles of clerk/typist, senior clerk/typist, and clerk/stenographer, shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any person employed in such positions on the effective date of this act.

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

Approved October 6, 1989.

Chapter 378. **AN ACT AUTHORIZING THE TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE FOR THE ST. ANNE COUNTRY CLUB IN THE CITY KNOWN AS THE TOWN OF AGAWAM.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 318 of the acts of 1976 is hereby amended by striking out the second paragraph and inserting in place thereof the following two paragraphs:-

Said license shall be transferable to another licensee; provided, however, that transferee may continue to operate pursuant to said license only at the location of the St. Anne Country Club and only for so long as there exists an eighteen hole golf course at said site.

Said license shall not be included in the number of licenses issued under authority of said section seventeen; provided, however, that if there is an addition to the quota of such licenses in said town under section seventeen because of an increase in population in said town, then said license shall not be included in such new quota.

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

Approved October 6, 1989.

Chapter 379. **AN ACT AUTHORIZING THE TOWN OF SANDISFIELD TO REIMBURSE CERTAIN MONIES PAID TO REAL ESTATE TAXES TO SAID TOWN.**

Be it enacted, etc., as follows:

Section 1. The town of Sandisfield is hereby authorized to reimburse to certain real property owners shown on a list on file in the office of the board of assessors of said town a sum totalling four thousand three hundred fifty-seven dollars and thirty-eight cents paid to said town as real estate taxes which were improperly levied. Said sum shall be paid from available funds.

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

Approved October 6, 1989.

Chapter 380. **AN ACT AUTHORIZING THE CITY OF NEWTON TO REFUND CERTAIN REAL ESTATE TAXES.**

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to reimburse Dorothy Beatrice and Judith Ann Beatrice the sum of two thousand forty-four dollars and seventy-one cents paid to said city as real estate taxes for fiscal year nineteen hundred and eighty-eight.

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

Approved October 6, 1989.

Chapter 381. **AN ACT AUTHORIZING THE TOWN OF BLACKSTONE TO REFUND CERTAIN REAL ESTATE TAXES.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Blackstone is hereby authorized to reimburse Denis E. and Jane E. Glaude the sum of one thousand two hundred sixty-nine dollars and twenty-four cents thereon paid to said town as real estate taxes in error for the fiscal years nineteen hundred and eighty-two through nineteen hundred and eighty-eight on property described as Plot 4, Lot 33 on the Blackstone Assessor's Map.

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

Approved October 6, 1989.

Chapter 382. **AN ACT ESTABLISHING A BOARD OF PUBLIC WORKS IN THE TOWN OF MANCHESTER.**

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Manchester a board of public works to consist of five members. The initial members thereof shall consist of the members of the existing board of public works, which was established pursuant to chapter two hundred and sixty-seven of the acts of nineteen hundred and seventy-six, and the members of the water and sewer commission which was established pursuant to chapter one hundred and sixty-five of the Special Acts of nineteen hundred and eighteen. Said members shall serve until the date on which their respective elected terms expire. When the term of any member expires, his successor shall be appointed by the board of selectmen to serve for three years,

or until his successor is qualified, except that no member shall be appointed if it will result in more than five members serving on the board of public works. The members of the board of public works shall annually elect one of its members to act as chairman. No person shall serve on the board of public works who holds another elective office in the town or who is a town employee.

SECTION 2. The board of selectmen, hereinafter called the board, shall have all the powers and duties now and from time to time vested by the General Laws or special act or town by-law in the following boards, departments and offices, or in boards, departments and offices having corresponding powers and duties in the town of Manchester to wit: water and sewer commissioners, elected board of public works pursuant to chapter two hundred and sixty-seven of the acts of nineteen hundred and seventy-six, park commissioners, cemetery commissioners, tree warden, highway superintendent, and such boards, offices and departments shall be abolished. No contracts or liabilities then in force shall be affected by such abolition, the board shall in all respects be the lawful successor of the boards, departments and offices so abolished.

The board shall have such added powers with respect to public works as the town may from time to time by by-law provide, and other provisions of the law to the contrary notwithstanding.

SECTION 3. The board shall appoint a director of public works, who shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to it under section two as it may from time to time designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board. His removal must be preceded by a written notice, given to him, which notice must specify the reasons for which he is to be removed, such notice to be given at least fourteen days prior to his removal. The board may suspend him from the exercise of any of the powers, rights and duties of his office during the pendency of such notice period. At his request, he shall be entitled to a public hearing on the charges brought against him.

His compensation shall be fixed in accordance with the personnel by-laws. He shall be specifically fitted by education, training, and experience to perform the duties of said office.

During his tenure he shall hold no elective office nor shall he be engaged in any other business or occupation. He shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board and the appropriation of funds by the town meeting, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He shall keep full and complete records of the doings of his office and shall render to the board, as often as it may require, a full report of all operations under

his control during the period reported upon; and annually, and from time to time as required by the board, he shall make a synopsis of such reports for publication. He shall keep the board fully advised as to the needs of the town within the scope of his duties and shall annually furnish to the board, no less than one hundred and twenty days prior to the annual town meeting of the town, a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

SECTION 4. The office of town engineer is hereby abolished and the director of public works shall be responsible for furnishing to the town the engineering services heretofore furnished by the town engineer. Nothing herein shall prevent the town from providing by by-law for an additional employee to furnish such engineering services under the supervision of the director.

SECTION 5. The board may appoint a temporary acting director to serve during any vacancy of the office of director for a period of up to six months.

SECTION 6. No person employed full-time on the effective date of this act in the water, sewer, or department of public works, shall be dismissed because of the passage hereof, nor shall any employee suffer reduction in their rank or compensation, or impairment of their retirement right, or their vacation, holiday, or sick leave rights, or their civil service seniority and other rights in the position held on the effective date of this act.

SECTION 7. The members of the board of public works established under section one of this act shall advise the board of selectmen on issues related to the public works of the town of Manchester.

SECTION 8. Chapter one hundred and sixty-five of the Special Acts of nineteen hundred and eighteen is hereby repealed.

SECTION 9. Chapter two hundred and sixty-seven of the acts of nineteen hundred and seventy-six is hereby repealed.

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

Approved October 6, 1989.

Chapter 383. AN ACT RELATIVE TO THE PREPARATION OF CERTAIN ANNUAL REPORTS IN THE TOWN OF HOLLISTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapters forty and forty-one of the General Laws or any other general or special law to the contrary, the town of Holliston is hereby authorized to provide by bylaw that the annual town report,

and the reports of the boards, commissions, committees, officers and officials of the town required to be contained therein, shall be for the last completed fiscal year, commencing with the fiscal year ending June thirtieth, nineteen hundred and ninety and that such report shall be prepared and distributed not later than the third Monday in December of each year, and thereafter no additional report of the town need be prepared on a calendar year basis. Said bylaw may set the date or dates by which all reports required to be contained in the annual report must be filed with the selectmen. Notwithstanding the foregoing provisions, if such bylaw is adopted, the selectmen shall print and distribute before the annual town meeting in nineteen hundred and ninety a report containing the annual report of the town accountant for the preceding fiscal year as provided in section sixty-one of chapter forty-one of the General Laws, the annual report of the town treasurer as provided in section thirty-five of said chapter forty-one, and such other financial reports and other matters as the selectmen may determine; the annual report distributed in December, nineteen hundred and ninety shall include financial reports for the fiscal year ending June thirtieth, nineteen hundred and ninety, but all other reports required to be contained therein shall be for the period beginning January first, nineteen hundred and eighty-nine and ending June thirtieth, nineteen hundred and ninety.

The provisions of the first paragraph shall not relieve any particular town board, commission, committee, officer or official from the duty of preparing any other annual report on a calendar year basis if a report so prepared is required by law, other than section sixty of chapter forty-one of the General Laws, to be filed with an agency, department, board, commission or authority of the commonwealth.

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

Approved October 6, 1989.

Chapter 384. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A PERMANENT EASEMENT ON LAND BELONGING TO THE DIVISION OF WATER RESOURCES IN THE TOWN OF NORTHBOROUGH.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey to individuals or entities a certain permanent utility easement in land located in the town of Northborough, subject to the requirements of sections two, three and four and to such additional terms and conditions as the deputy commissioner may prescribe

in consultation with the division of water resources.

Said easement is shown on a plan of land, entitled "Tyler Project - Easement Plan, Assabet River Vicinity Hudson Street"; dated 5-19-89; scale 1"=40'; drawn by E.S. Flynn Engineers, Inc., Consulting Engineers, 81 Taunton Street, Middleboro, Ma.

SECTION 2. No deed conveying the easement described in section one shall be valid unless such deed provides that said easement shall be used for sewerage drainage purposes only.

SECTION 3. The recipient shall assume all costs and expenses as deemed necessary by the deputy commissioner for the conveyance of this easement, including, but not limited to, the recipient assuming the responsibility of general maintenance of said easement.

SECTION 4. In the event that the aforementioned purpose described in section two ceases at any time, the easement shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

Emergency Letter: October 10, 1989 @ 4:04 P.M. Approved October 6, 1989.

Chapter 385. AN ACT CHANGING THE NAME OF THE TOWN OF MANCHESTER TO THE TOWN OF MANCHESTER-BY-THE-SEA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Manchester in Essex county shall be designated and known as the town of Manchester-by-the-Sea.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Manchester at the town election to be held in the year nineteen hundred and ninety 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-nine, entitled 'An Act changing the name of the town of Manchester to the town of Manchester-by-the-Sea', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved October 6, 1989.

Chapter 386. AN ACT RELATIVE TO SKELETAL REMAINS.

Be it enacted, etc., as follows:

Clause (7) of the first paragraph of section 26A of chapter 9 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following three sentences:- The state archaeologist shall determine whether a skeletal analysis of the remains shall be conducted. If he determines that such analysis shall be made after the completion of the said analysis, the state archaeologist shall determine whether the remains shall be deposited in a curatorial facility or reinterred in accordance with the provisions of section forty-three M of chapter one hundred and fourteen. It shall be the responsibility of the person, whose proposed action necessitates the removal of skeletal remains, to conduct and bear the financial costs of said skeletal analysis and reinterment.

Approved October 6, 1989.

Chapter 387. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF LAND IN THE TOWN OF WAREHAM 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 to acquire by eminent domain, by purchase or otherwise, the hereinafter described parcel of public land located in the town of Wareham and presently being used for park and recreation purposes by said town and to divert this land from its present use to a highway use in conjunction with the replacement of the Nickerson Bridge, so-called.

Subsequent to the completion of said bridge replacement the deputy commissioner of capital planning and operations is authorized to convey said parcel, by deed approved as to form by the Attorney General, to the town of Wareham for highway purposes.

The land to be acquired and diverted is shown on a plan of land entitled "Plan of Parcel of Land To Be Acquired from the Town of Wareham by The Commonwealth of Massachusetts Department of Public Works," Scale 1" =40', prepared by Vollmer Associates," which plan is to be kept on file with the chief engineer of said department. Said land is more particularly described as follows:-

PARCEL 11-1-T. Beginning at a point on said line of route 6, extending thence, along said line of highway north 77°-05'-17" east, 129 feet to a point; thence leaving

said line with the Wareham River supposed to be owned by "owner unknown" running south 22°-54'-20" east, 17.26 feet to a point; thence turning and running south 77 °-05'-17" west, 30.00 feet to a point; thence turning and running north 12Ä-54'-43" west, 15.00 feet to a point; thence turning and running south 77°-05'-17" west, 100.59 feet to a point; thence running along a curb to the left having a radius of 25.00 feet, 51.36 feet to a point on said line of Main Street; thence turning and running north 40°-37'-40" west, 2.25 feet to a point; thence running along a curve to the right having a radius of 25.00 feet a distance of 51.36 feet to the point of beginning on said line of Route 6. Containing 770 square feet of land more or less.
Emergency Letter: October 10, 9189 @ 4:04 P.M. Approved October 6, 1989.

Chapter 388. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO GRANT A CERTAIN EASEMENT.

Be it enacted, etc., as follows:

The town of North Andover is hereby authorized to grant a permanent easement through certain conservation land, under the care and control of the conservation commission to install, construct, reconstruct, replace and repair, maintain, use, operate and inspect water lines across and upon a forty foot wide strip of land shown on a plan of land entitled "Plan of Land Located in North Andover, Mass. Owned By The Town of North Andover, Scale: 1"=40', March 14, 1989, Scott L. Giles, R.L.S., North Andover, Mass." which forty foot wide strip is part of a parcel of land situated on the westerly side of land owned by the town of North Andover said land shown on a plan of land recorded with the northern district of the Essex county registry of deeds as Plan Number 7295.

Said easement shall also include the right from time to time, to renew, add to, replace, repair, remove, inspect and otherwise change and service the said water lines, and to enter upon and to pass along said areas to and from the adjoining land for all of the above purposes. The town of North Andover acting through its conservation commission shall retain the right to specify the location and alignment of said water lines.

Approved October 6, 1989.

Chapter 389. AN ACT DIRECTING THE TOWN OF WINCHESTER TO PAY CERTAIN BENEFITS TO DOLORES ANSELMO.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary,

the retirement board of the town of Winchester is hereby authorized to pay to Dolores Anselmo, widow of Richard J. Anselmo, a deceased police officer of the town of Winchester, an allowance equal to the allowance she would have received under Option (*c*) of subdivision (2) of section twelve of chapter thirty-two of the General Laws, had said Richard J. Anselmo been retired for ordinary disability under section six of said chapter thirty-two immediately prior to his death on October fourteenth, nineteen hundred and eighty-seven and had he received thereupon an allowance in accordance with the provisions of clause *(b)* of subdivision (2) of section six of said chapter thirty-two. Said allowance shall be paid to said Dolores Anselmo as of the effective date of this act, provided that said Dolores Anselmo shall receive in one sum on the effective date of this act an amount equal to the difference between *(i)* the sum of the allowances received by her prior to said effective date and *(ii)* the sum of the allowances she would have received had this act been in effect on said October fourteenth, nineteen hundred and eighty-seven. The allowance provided hereunder shall be in the alternative to, and exclusive of, any other allowance, benefit, or other payment to said Dolores Anselmo from said Winchester retirement board on account of said Richard J. Anselmo.

Approved October 6, 1989.

Chapter 390. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Milford may be recalled therefrom by the qualified voters of the town as hereinafter provided.

SECTION 2. Any ten qualified voters of the town of Milford may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voters making such affidavit 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 and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the persons sought to be recalled, 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. Said recall petition shall be returned and filed with the town clerk within

twenty days after filing of the affidavit and shall be signed by twenty percent of the qualified voters in said town. To every signature shall be added the place of residence of the signer, giving street and number. The said recall petition shall be submitted at or before three o'clock p.m. on the Friday 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 said selectmen without delay and said selectmen shall forthwith give written notice to the officer of the receipt of said certificate and shall, if the officer sought to be recalled does not resign within five days thereafter, thereupon order an election to be held on a date fixed by them, not less than sixty days and not more than ninety days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred days after the date of said certificate, said selectmen may, in their discretion, postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided by this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not 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 the said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, beneath this the names of candidates nominated as

hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected; provided that at least twenty-five percent of those entitled to vote in the election shall have voted. If a majority of votes on the question is in the negative, the ballot for candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters. No person who has been removed from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal or such resignation.

Approved October 6, 1989.

Chapter 391. AN ACT AUTHORIZING THE TOWN OF MILFORD TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

The town treasurer of the town of Milford is hereby authorized to pay from available funds to Braza Construction Company the sum of seven thousand five hundred dollars for labor and materials furnished to the Milford high school notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

Approved October 6, 1989.

Chapter 392. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF NORWELL.

Be it enacted, etc., as follows:

SECTION 1. Article 3 of the charter of the town of Norwell, 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 sections 3-4 to 3-14, inclusive and inserting in place thereof the following ten sections:-

Section 3-4 DIRECTOR OF LANDS AND NATURAL RESOURCES

A Director of Lands and Natural Resources, elected for a three year term. Said director shall have charge of such lands as may be committed to his care and may perform such maintenance and improvement work on other municipal lands as

may be permitted by the board, department, commission or committee in charge thereof. Said director shall exercise the duties of tree warden and superintendent of insect pest control. He may appoint such assistants as appropriations permit, and may apply for and receive such Federal, State and County assistance as may be available.

Section 3-5 HIGHWAY SURVEYOR

A Highway Surveyor elected for a three year term.

Section 3-6 WATER COMMISSIONERS

A Board of Water Commissioners consisting of three members elected for three year overlapping terms.

Section 3-7 ASSESSORS

A Board of Assessors consisting of three members elected for three year overlapping terms.

Section 3-8 BOARD OF HEALTH

A Board of Health consisting of three members elected for three year overlapping terms.

Section 3-9 PLANNING BOARD

A Planning Board consisting of five members elected for three year overlapping terms, provided, however, that no member elected for a longer term prior to or concurrent with the acceptance of this Charter by the voters shall have his term reduced to three years.

Section 3-10 TRUSTEES OF THE NORWELL PUBLIC LIBRARY

A Board of Trustees of the Norwell Public Library consisting of six members elected for three year overlapping terms.

Section 3-11 REGIONAL VOCATIONAL SCHOOL DISTRICT COMMITTEE

One member of a Regional Vocational School District Committee elected for a three year term.

Section 3-12 SCHOOL COMMITTEE

A School Committee consisting of five members elected for three year overlapping terms.

Section 3-13 HOUSING AUTHORITY

A Housing Authority consisting of five members: four elected for three year overlapping terms, and one appointed in accordance with the general laws.

SECTION 2. Section 4-1 of Article 4 of said charter is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) A Board of Appeals consisting of three members, appointed for three year overlapping terms, and not more than five associate members.

SECTION 3. Said section 4-1 of said Article 4 of said charter is hereby further amended by inserting after paragraph (j) the following paragraph:-

(k) The Town Treasurer-Collector for a term of three years (The present Treasurer-Collector shall continue to serve until the completion of her present term of office.).

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

Approved October 10, 1989.

Chapter 393. AN ACT RELATIVE TO RESERVE POLICE OFFICERS IN THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter twenty-six of the acts of nineteen hundred and twenty-eight or any other general or special law to the contrary, the board of selectmen of the town of Winthrop is hereby authorized to appoint reserve police officers in such numbers as said board deems necessary.

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

Approved October 10, 1989.

Chapter 394. AN ACT EXEMPTING THE POSITION OF VETERANS' AGENT AND DIRECTOR OF VETERANS' SERVICE IN THE TOWN OF MILFORD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-two of the acts of nineteen hundred and fifty-five is hereby repealed.

SECTION 2. The position of veterans' agent and director of veterans' services in the town of Milford shall be exempt from the provisions of chapter thirty-two of the General Laws.

SECTION 3. The provisions of section one shall not impair the civil service status of any incumbent in the position of veterans' agent and director of veterans' services on the effective date of this act.

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

Approved October 10, 1989.

Chapter 395. AN ACT RELATIVE TO THE MASSACHUSETTS HEALTH SERVICE CORPS.

Be it enacted, etc., as follows:

The second paragraph of section 84 of chapter 23 of the acts of 1988 is hereby

amended by adding the following sentence:- Such recommendations shall include a provision whereby such service payback shall be completed in a family practice, primary care pediatrics or primary care internal medicine practice setting.

Approved October 10, 1989.

Chapter 396. AN ACT RELATIVE TO THE DISCLOSURE OF INFORMATION IN INSTANCES OF CHILD ABUSE AND NEGLECT.

Be it enacted, etc., as follows:

Section 51B of chapter 119 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following three paragraphs:-

Notwithstanding any privilege created by statute or common law relating to confidential communications or any statute prohibiting the disclosure of information, any person required to make a report pursuant to section fifty-one A who has information which he believes might aid the department in determining whether a child has been abused or neglected pursuant to an investigation under this section shall, if requested by the department, disclose such information relevant to the specific investigation to the department. Such statutory or common law privileges shall not preclude the admission of any such information in any civil proceeding concerning abuse or neglect of a child, placement or custody of a child.

No person required to provide such information pursuant to this section shall be liable in any civil or criminal action for providing such information.

No employer of a person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against any such person who in good faith provides such information, testifies or is about to testify in any proceeding involving child abuse or neglect; provided, however, that such person did not perpetrate or inflict such abuse or neglect. Any such employer who discharges, discriminates or retaliates against such person shall be liable for treble damages, costs and attorney's fees.

Approved October 10, 1989.

Chapter 397. AN ACT RELATIVE TO THE ADMINISTRATION OF CERTAIN PROPERTY TAX EXEMPTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-nine of chapter fifty-eight of the General Laws is hereby repealed.

SECTION 2. Section 29 of chapter 59 of the General Laws, as appearing in the

1988 Official Edition, is hereby amended by striking out, in line 20, the words "April first" and inserting in place thereof the words:- a reasonable later time but in no event later than thirty days after the mailing of the tax bills for the fiscal year to which the filing relates.

SECTION 3. Section 86 of said chapter 59, as so appearing, is hereby amended by striking out, in lines 6 to 9, inclusive, the words ", and shall also forward such lists and statements required by section twenty-nine relative to real and personal property exempt from taxation under said clause as have been received by them".

Approved October 10, 1989.

Chapter 398. **AN ACT RELATIVE TO OMITTED AND REVISED ASSESSMENTS.**

Be it enacted, etc., as follows:

SECTION 1. Section 75 of chapter 59 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentence:- If any parcel of real property or the personal property of a person has been unintentionally omitted from the annual assessment of taxes due to clerical or data processing error or other good faith reason, the assessors shall in accordance with such rules, regulations and guidelines as the commissioner may prescribe, assess such person for such property; provided, however, that in no event shall such assessment be made later than June twentieth of the taxable year or ninety days after the date on which the tax bills are mailed, whichever is later, and that the assessors shall annually, not later than June thirtieth of the taxable year or the hundredth day after the date on which the tax bills are mailed, if mailed after March twenty-second, return to the commissioner a statement showing the amounts of additional taxes so assessed.

SECTION 2. Said chapter 59 is hereby further amended by striking out section 76, as so appearing, and inserting in place thereof the following section:-

Section 76. If any property subject to taxation has been unintentionally valued or classified in an incorrect manner due to clerical or data processing error or other good faith reason, the assessors shall revise its valuation or classification and shall assess any additional taxes resulting from such revision in the manner and within the time provided by section seventy-five and subject to its provisions.

Approved October 10, 1989.

Chapter 399. **AN ACT RELATIVE TO THE SURVIVING CHILD OF A DECEASED FIREFIGHTER OF THE CITY OF FALL RIVER.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, for the purpose of promoting the public good, the board of regents of higher education is hereby authorized and directed to provide to Michelle Bernard, the surviving child of Paul Bernard, a former fire lieutenant of the fire department of the city of Fall River who died of injuries sustained in the line of duty, tuition cost as provided in section seven E of chapter sixty-nine of the General Laws, to attend the University of Rhode Island to receive her degree in pharmacology.

Approved October 10, 1989.

Chapter 400. AN ACT REQUIRING THE USE OF THE NAMES OF BOTH SPOUSES ON CERTAIN DOCUMENTS AND COMMUNICATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 14 of the General Laws is hereby amended by adding the following subparagraph:-

3. Shall require that whenever the department identifies a husband and wife in any communication, document or writing intended for use outside the department, the department shall use the name of both husband and wife and shall not use a legal phrase as a substitute for either name.

SECTION 2. Chapter 36 of the General Laws is hereby amended by inserting after section 32 the following section:-

Section 32A. Whenever the register, in any communication, document or writing intended for use outside the registry, identifies a husband and wife, he shall use the name of both husband and wife and shall not use a legal phrase as a substitute for either name.

SECTION 3. Chapter 41 of the General Laws is hereby amended by inserting after section 34A the following section:-

Section 34B. Whenever the assessor, in any communication, document or writing intended for use outside his department, identifies a husband and wife, he shall use the name of both husband and wife and shall not use a legal phrase as a substitute for either name.

SECTION 4. Section 38A of said chapter 41 is hereby amended by adding the following paragraph:-

Whenever the collector of taxes, in any communication, document or writing intended for use outside his department, identifies a husband and wife, he shall use the name of both husband and wife and shall not use a legal phrase as a

substitute for either name.

SECTION 5. Chapter 217 of the General Laws is hereby amended by inserting after section 22 the following section:-

Section 22A. Whenever the register, in any communication, document or writing intended for use outside the registry, identifies a husband and wife, he shall use the name of both husband and wife and shall not use a legal phrase as a substitute for either name.

Approved October 10, 1989.

Chapter 401. AN ACT RELATIVE TO THE POLICE AND FIRE FORCES OF THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of the second paragraph of section fifty-nine of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, no examination for the first title above the lowest title in the police or fire force of the city of Pittsfield shall be open to any person who has not been employed in such force in such lowest title for at least three years after certification.

Approved October 10, 1989.

Chapter 402. AN ACT AUTHORIZING THE TOWN OF HOLLISTON TO TRANSFER CONTROL OF CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Holliston is hereby authorized to transfer the care, custody and control of certain parcels of land presently under the control of the board of selectmen and the conservation commission of said town to the conservation commission to be used for conservation and open space purposes.

Said parcels are described as follows:- 1. approximately 12.4. acres, more or less, shown as lot 1 on Assessors Map 3, Block 1 located west of Hanlon Road along the Milford and Hopkinton town lines; 2. approximately 25.4 acres, more or less, shown as lot 2 on Assessors Map 3, Block 1, located west of Hanlon Road near the Milford town line; 3. approximately 4.5 acres, more or less, shown as lot 5 on Assessors Map 7, Block 2, located west of Hanlon Road; 4. approximately 5.6 acres, more or less, shown as lot 4 on Assessors Map 7, Block 2, located west of Hanlon Road; 5. approximately 9.8 acres, more or less, shown as lot 3 on Assessors Map 7, Block 2, located west of Adams Street.

SECTION 2. The town of Holliston is hereby authorized to transfer the care,

custody and control of certain parcels of land presently under the control of the board of selectmen and conservation commission of said town to the board of selectmen to be used as a town forest.

Said parcels are described as follows:- 1. approximately 39.62 acres, more or less, shown as lot 3 on Assessors Map 3, Block 1, located west of Adams Street near the Milford town line; 2. approximately 161.7 acres, more or less, shown as lot 4 on Assessors Map 3, Block 1, located west of Adams street along the Milford town line; 3. approximately 4 acres, more or less, shown as lot 72 on Assessors Map 4, Block 2, located west of Adams Street; 4. approximately 9.4. acres, more or less, shown as lot 42 on Assessors Map 4, Block 2, located west of Adams Street.

Approved October 10, 1989.

Chapter 403. **AN ACT DESIGNATING THE POOL AND FIELDS AT THE ROBINSON STATE PARK AS THE GERALD J. MASON MEMORIAL POOL AND FIELDS IN THE CITY KNOWN AS THE TOWN OF AGAWAM.**

Be it enacted, etc., as follows:

The pool and playing fields at the Robinson state park in the city known as the town of Agawam shall be designated and known as the Gerald J. Mason Memorial pool and fields.

Approved October 10, 1989.

Chapter 404. **AN ACT RELATIVE TO THE TOWN OF RANDOLPH REPRESENTATIVE TOWN MEETING.**

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 324 of the acts of 1947 is hereby amended by striking out, in line 6 and in line 7, the words "registered voters" and inserting in place thereof, in each instance, the word:- residents.

SECTION 2. Section 4 of said chapter 324 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any elected town meeting member who becomes by appointment or election one of the officers designated as town meeting members at large, shall notwithstanding such appointment or election continue to serve as an elected town meeting member rather than a member at large.

Approved October 10, 1989.

Chapter 405. AN ACT FURTHER REGULATING EMERGENCY VEHICLES.

Be it enacted, etc., as follows:

Chapter 111C of the General Laws is hereby amended by inserting after section 10 the following section:-

Section 10A. An injured or sick child who is to be transported to a hospital or other medical treatment facility by an ambulance or other emergency vehicle shall be accompanied by a parent upon such parent's request, unless the emergency medical technician or other person in charge determines that the medical situation is life threatening or that the presence of a parent would create a potential risk to such child. Such determination shall be noted in the written report of said emergency medical technician and a copy of such report shall be sent to such parent within thirty days of such determination.

Approved October 10, 1989.

Chapter 406. AN ACT FURTHER REGULATING THE USE OF THE WATERS OF LAKE QUINSIGAMOND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 294 of the Special Acts of 1916 is hereby amended by inserting after section 6 the following section:-

Section 6A. No person shall place any mooring, raft, docks or wharfs into or upon the waters nor any structure on the ice of said lake without receiving a permit from said commission. Said commission shall adopt suitable rules and regulations for the issuance of said permits.

SECTION 2. Said chapter 294 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. Any person who violates any rule, regulation or order of said commission or any provision hereof shall be punished by a fine of not less than fifty nor more than five hundred dollars for each offense.

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

Approved October 11, 1989.

Chapter 407. AN ACT RELATIVE TO TOWN MEETING MEMBERS IN THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 202 of the acts of 1932, as appearing in section 1 of chapter 226 of the acts of 1936, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The number of elected town meeting members to which each precinct is entitled for the ensuing year shall be determined by the town clerk by January first of each year and shall be proportionate to the number of residents in each precinct as of December fifteenth of the prior year.

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

Approved October 11, 1989.

Chapter 408. AN ACT FURTHER REGULATING THE PURCHASE OF FIREARMS, RIFLES AND AMMUNITION.

Be it enacted, etc., as follows:

Section 131E of chapter 140 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any resident of the commonwealth except a person under the age of eighteen years may purchase firearms, rifles, and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition from a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status, under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card, or alien permit to possess a rifle or shotgun issued to him under section one hundred and thirty-one H, or said proof of exempt status; provided, however, that no firearm, rifle, shotgun or ammunition shall be sold to a person under the age of eighteen years.

Approved October 11, 1989.

Chapter 409. AN ACT EXEMPTING THE POSITION OF SPECIAL POLICE OFFICER IN THE TOWN OF GREAT BARRINGTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of special police officer in the town of Great Barrington 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 position of special police officer in the town of Great Barrington on the effective date of this act.

Approved October 11, 1989.

Chapter 410. **AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE TOWN OF BRAINTREE AS THE WILLIAM G. BROOKS MEMORIAL FIVE CORNERS.**

Be it enacted, etc., as follows:

The intersection of Granite street, West street and state highway Route 37 also known as Franklin street in the town of Braintree shall be known and designated as the William G. Brooks Memorial Five Corners. A suitable marker bearing said designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved October 11, 1989.

Chapter 411. **AN ACT AUTHORIZING THE TOWN OF BOXFORD TO CONVEY A CERTAIN PARCEL OF LAND IN SAID TOWN TO PETER J. SHULMAN.**

Be it enacted, etc., as follows:

SECTION 1. The town of Boxford, acting through its board of selectmen, is hereby authorized to convey to Peter J. Shulman, a certain parcel of conservation land known as Peabody Meadow and containing approximately six and five-tenths acres, as recorded in the southern district registry of deeds in Essex county, Book 5861, Page 371.

SECTION 2. In consideration of the conveyance in section one, Peter J. Shulman shall convey to the inhabitants of the town of Boxford all his right, title and interest in a certain parcel of land known as Peabody Orchard and containing approximately five and five-tenths acres as recorded in the southern district registry of deeds in Essex county, Book 8076, Page 305. Said parcel shall be under the management of the conservation commission of said town pursuant to section

eight C of chapter forty of the General Laws.

Approved October 11, 1989.

Chapter 412. AN ACT RELATIVE TO DISCLOSURE PENALTIES IN CERTAIN RETAIL SALE AGREEMENTS.

Be it enacted, etc., as follows:

Chapter 255D of the General Laws is hereby amended by striking out section 18A, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 18A. (1) No retail installment sale agreement may be modified in any way by the parties or by a holder, nor shall the amount financed or unpaid balance as defined in chapter one hundred and forty D, or any other amount owing under any retail installment sale agreement ever become due and owing under any extension of credit or obligation other than the original retail installment sale agreement, except as provided in sections sixteen, seventeen and eighteen; provided, however, that this section shall not apply to any transactions between the buyer and any person not a party to nor a holder of the retail installment sale agreement.

(2) If any retail installment sale agreement or other extension of credit is in violation of this section any person entitled to enforce such agreement or extension is liable to the buyer or buyers in an amount equal to the sum of twice the amount of the finance charge in connection with said agreement or extension, except that the liability shall not be less than five hundred dollars. For purposes of this paragraph, the finance charge shall be the greater of: (a) the total finance charge provided for in said agreement or extension; (b) the total finance charges billed, collected and sought to be collected under said agreement or extension; or (c) the initial principal amount of credit extended, not the amount of the credit line, under said agreement or extension times the annual percentage rate in effect during the first period on which interest accrues under said agreement or extension.

(3) (a) The provisions of subsections (1) and (2) shall not apply to a fixed rate closed-end extension of credit or fixed rate closed-end obligation if the buyer has been furnished a statement in the following form, as a separate document, accurately completed by the creditor, and has freely signed said statement.

NOTICE TO BUYER

STATE LAW PROVIDES THAT YOU DO NOT HAVE TO CONSOLIDATE YOUR RETAIL INSTALLMENT SALE AGREEMENT WITH THE LOAN WHICH YOU ARE NOW APPLYING FOR.

If you do agree to consolidate your retail installment sale agreement, your combined new loan will cost $ _____ more/less in finance charges.

Schedule of Monthly Payments

Separate Loan & Retail Installment Sale Agreement	*Consolidated Loan & Retail Installment Sale Agreement*
$ _____ per month for the next _____ months Then $ _____ per month for ___ months after that	$ _____ per month for the next _____ months

SECURITY INTEREST: IF WE TAKE A MORTGAGE IN YOUR HOME, YOU COULD LOSE YOUR HOME IF YOU DO NOT MEET YOUR LOAN PAYMENTS OR OTHER OBLIGATIONS IN YOUR AGREEMENT WITH US.

I/We have read and understand the above statements and I/we want to have my/our retail installment sale agreement consolidated with the loan which I/we are now applying for.

_____ Buyer

_____ Buyer

_____ Date

(b) The provisions of subsection (1) and (2) shall not apply to an open-end or variable rate closed-end extension of credit, or to an open-end or variable rate closed-end obligation if the buyer has been furnished a statement in the following form, as a separate document, accurately completed by the creditor, and has freely signed said statement.

NOTICE TO BUYER

STATE LAW PROVIDES THAT YOU DO NOT HAVE TO CONSOLIDATE YOUR RETAIL INSTALLMENT SALE AGREEMENT WITH THE LOAN OR REVOLVING CREDIT AGREEMENT WHICH YOU ARE NOW APPLYING FOR.

You now owe a pay off balance of $ _____on your retail installment sale agreement as of the date of this agreement. You are now paying a finance charge of $ ____per month on each $100 outstanding at an ANNUAL PERCENTAGE RATE OF % on your retail installment sale agreement.

If you do agree to consolidate your retail installment sale agreement, you will be paying a finance charge of $ _____ per month on each $100 outstanding at an initial ANNUAL PERCENTAGE RATE OF _____% on your combined loan or revolving credit agreement.

This amount may increase or decrease based upon the index used to determine the initial Annual Percentage Rate, which is disclosed in the accompanying disclosure statement. You should also know that it may take you longer to pay off your combined new loan or revolving credit agreement than it would to pay off your retail installment sale agreement.

SECURITY INTEREST: IF WE TAKE A MORTGAGE IN YOUR HOME, YOU COULD LOSE YOUR HOME IF YOU DO NOT MEET YOUR LOAN PAYMENTS OR OTHER OBLIGATIONS IN YOUR AGREEMENT WITH US.

I/We have read and understand the above statements and I/we want to have my/our retail installment sale agreement consolidated with the loan or revolving credit agreement which I/we are now applying for.

_____ Buyer

_____ Buyer

_____ Date

(4) The commissioner may prescribe the method of computation for all disclosure statements required by subsection (3).

Approved October 11, 1989.

Chapter 413. **AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF BRAINTREE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Braintree at its annual town meeting held on May first, nineteen hundred and eighty-nine, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the summary of the warrant for such meeting had been published as required by law.

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

Approved October 17, 1989.

Chapter 414. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO REIMBURSE CERTAIN EXCISE TAXES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Braintree is hereby authorized to appropriate for the payment of and after such appropriation the treasurer of said town is authorized to pay to Thomas J. Moakley the sum of two hundred and thirty-five dollars, such sum being reimbursement for motor vehicle excise taxes paid in error for a motor vehicle excise tax for the year nineteen hundred and eighty-seven.

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

Approved October 17, 1989.

Chapter 415. AN ACT PROHIBITING GOOD CONDUCT DEDUCTIONS UNTIL THE MANDATORY MINIMUM SENTENCES FOR CERTAIN DRUG OFFENSES IS SERVED.

Be it enacted, etc., as follows:

Section 32H of chapter 94C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 14, the words "or work release" and inserting in place thereof the words:- work release, or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine A, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven.

Approved October 17, 1989.

Chapter 416. AN ACT RELATIVE TO AUTOMATIC SPRINKLER SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. Section 201 of chapter 6 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 6, the words "section twenty-six A 1/2" and inserting in place thereof the words:- sections twenty-six A 1/2 and twenty-six G.

SECTION 2. Section 26G of chapter 148 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction or failure to act to the automatic sprinkler appeals board as provided in section two hundred and one of chapter six.

Approved October 17, 1989.

Chapter 417. AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON AS NORTON SQUARE.

Be it enacted, etc., as follows:

The intersection of the Veterans of Foreign Wars parkway and Atlantis street in the West Roxbury district of the city of Boston shall be known and designated as Norton Square in memory of Bernard J. Norton, Joseph C. Norton and a former member of the house of representatives, George B. Norton all of whom were members of the armed forces of the United States during World War II. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved October 17, 1989.

Chapter 418. AN ACT FURTHER REGULATING APPLICATIONS FOR DETERMINATIONS OF NEED.

Be it enacted, etc., as follows:

The fifth paragraph of section 25C of chapter 111 of the General Laws, as

appearing in the 1988 Official Edition, is hereby amended by striking out the second sentence.

Approved October 17, 1989.

Chapter 419. AN ACT RELATIVE TO THE WAGE REPORTING SYSTEM.

Be it enacted, etc., as follows:

Section 2 of chapter 62E of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- The commissioner may require any employer with twenty-five hundred employees or more, and having the capability to submit such information on machine-readable magnetic tape, to submit such information in machine-readable form in accordance with specifications provided by said commissioner.

Approved October 17, 1989.

Chapter 420. AN ACT AUTHORIZING CERTAIN AGREEMENTS BETWEEN THE NORTHERN MIDDLESEX AREA COMMISSION AND ITS MEMBER CITIES AND TOWNS.

Be it enacted, etc., as follows:

Any city or town which is a member of the Northern Middlesex Area Commission, established under the provisions of section three of chapter forty B of the General Laws, may enter into an agreement with said commission to perform jointly or for the other or in cooperation with other member cities and towns, any service, activity or undertaking which such city or town is authorized by law to perform. For the term of such agreement and subject to the terms thereof said commission shall be authorized to perform such service, activity or undertaking and said commission may designate a committee of its members to oversee such performance, provided such committee membership, functions and duties are set forth in the agreement. Said commission shall not utilize funds raised from its' members under the provisions of section seven of said chapter forty B in the performance of any such agreement. Each such agreement shall be entered into and carried out in accordance with the provisions of section four A of said chapter forty.

Approved October 17, 1989.

Chapter 421. **AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF GEOGRAPHIC EDUCATION AWARENESS WEEK.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15LLL, inserted by chapter 294 of the acts of 1989, the following section:-

Section 15MMM. The governor shall annually issue a proclamation setting apart the second week of November as Geographic Education Awareness Week, in recognition of the need of all citizens of the commonwealth to further their knowledge of geographic matters, and recommending that said week be observed in an appropriate manner by the people.

Approved October 17, 1989.

Chapter 422. **AN ACT DESIGNATING A PORTION OF ROUTE 67 AS THE HENRY R. GRENIER HIGHWAY.**

Be it enacted, etc., as follows:

That portion of Route 67 under construction, through the town of North Brookfield shall be designated and known as the Henry R. Grenier Highway, in appreciation of Henry R. Grenier's dedication to the 5th Worcester district as its state representative. 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.

Approved October 17, 1989.

Chapter 423. **AN ACT DIRECTING THE APPOINTMENT OF PERSONS TO THE OFFICE OF TOWN TREASURER OF THE TOWN OF TYNGSBOROUGH.**

Be it enacted, etc., as follows:

The town treasurer of the town of Tyngsborough shall be appointed by the board of selectmen of said town for a term of three years and the person so appointed shall have all the powers and duties by law vested in the office of town treasurer and such other powers as may from time to time be established. Upon

the appointment and qualification of the town treasurer pursuant to the authority contained in this act, the elected incumbent of the office of town treasurer shall cease to exercise the powers and duties of said office. Any vacancy in such office shall be filled in a like manner for the unexpired portion of the term.

Approved October 17, 1989.

Chapter 424. AN ACT AUTHORIZING THE WAIVER OR ABATEMENT OF INTEREST AND PENALTY ON USE TAXES ASSESSED UPON CERTAIN OUT-OF-STATE NONBUSINESS PURCHASES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the waiver or abatement of interest and penalty on use taxes assessed upon certain out-of-state nonbusiness purchases, 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 chapter sixty-two C of the General Laws, the commissioner of revenue may, for good cause, waive or abate, in whole or in part, interest or penalty charges required to be included in the assessment of use taxes upon personal, nonbusiness goods purchased in Connecticut and Rhode Island prior to June first, nineteen hundred and eighty-eight, by a Massachusetts inhabitant; provided, however, that such assessment results directly from information or data obtained under the Tri-State Compact, so-called, between Massachusetts, Connecticut and Rhode Island. Interest, however, shall accrue upon such assessment not paid within ninety days following the date of the notice of assessment.

Application for abatement of such interest may, in addition to the time periods provided under section thirty-seven of said chapter sixty-two C, be filed with the commissioner of revenue on or before December thirty-first, nineteen hundred and ninety-one.

The authority granted under this act to waive or abate interest or penalty charges shall terminate on December thirty-first, nineteen hundred and ninety-two.

Notwithstanding the foregoing, no penalty shall be imposed by said commissioner for the failure to pay such assessment and no person shall be required to pay a penalty for such failure, provided however, that such assessment is paid within ninety days following the date of notice of such assessment.

Approved October 17, 1989.

Chapter 425. **AN ACT RELATIVE TO THE MODIFICATION OF RETIREMENT ALLOWANCES IN THE TOWN OF WELLESLEY.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 437 of the acts of 1986 is hereby amended by inserting after section 2 the following section:-

Section 2A. The provisions of this act shall not apply to any such modification made or to be made after January twelfth, nineteen hundred and eighty-eight.

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

Approved October 17, 1989.

Chapter 426. **AN ACT RELATIVE TO THE COMPREHENSIVE FIRE SAFETY CODE.**

Be it enacted, etc., as follows:

Section 28 of chapter 148 of the General Laws is hereby amended by striking out clause (3), as appearing in the 1988 Official Edition, and inserting in place thereof the following clause:-

(3) to provide for the safe storage, use, handling and manufacturing of corrosive liquids, oxidizing materials, toxic materials or poisonous gases.

Approved October 17, 1989.

Chapter 427. **AN ACT RELATIVE TO SCHOOL IMPROVEMENT PLANS.**

Be it enacted, etc., as follows:

The second paragraph of section 49C of chapter 15 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- The school improvement council shall examine program resources available through nationally validated, federally-supported, school improvement systems like the United States Department of Education's National Diffusion Network and specify, in writing, which of these resources will be utilized as a remedy to meeting the plan's specified improvement objectives.

Approved October 17, 1989.

Chapter 428. AN ACT ASCERTAINING THE WILL OF THE PEOPLE RELATIVE TO THE FAIRNESS DOCTRINE.

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the voters relative to the fairness doctrine, the state secretary shall cause to be placed on the official ballot to be used at the next biennial state election in the year nineteen hundred and ninety the following question:- "Shall radio and television broadcast outlets be required to give free and equal time to all certified candidates for public office in the commonwealth?".

Approved October 17, 1989.

Chapter 429. AN ACT FURTHER REGULATING THE SEIZURE OF MOTOR VEHICLES USED FOR THE DUMPING OF RUBBISH ON PUBLIC LAND, IN OR NEAR COASTAL OR INLAND WATERS OR ON THE PROPERTY OF ANOTHER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow the seizure of motor vehicles used for the dumping of rubbish on public lands, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 16 of chapter 270 of the General Laws, as amended by chapter 151 of the acts of 1988, is hereby further amended by inserting after the first paragraph the following paragraph:-

If a motor vehicle is used in committing such an offense where the offense involves the unlawful disposal of more than seven cubic feet of trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or any other materials and the motor vehicle is observed while the offense is in progress by an officer authorized to enforce this section, the officer may seize the vehicle and remove and store it or otherwise immobilize it by a mechanical device until (1) payment is made to the enforcing authority of a fine set by such enforcing authority up to the maximum fine which may be imposed under this section, (2) the illegally disposed of material is removed and legally disposed of, and (3) payment is made to the enforcing authority of its reasonable towing and storage charges, if any, for the seized vehicle.

If, after payment of the above fine and towing and storage charges, the use of the seized vehicle is necessary to dispose of the material, the enforcing authority shall release the seized vehicle upon the posting of security sufficient to pay for the cost of legal disposal of the material. The security shall be returned to the person posting it upon proof of legal disposal of the material. Within five days of the payment of a fine to secure the release of a seized vehicle as provided for herein, the enforcing authority to whom the fine is paid shall deposit the fine in court along with a criminal complaint regarding the offense, and the court shall hold the fine until judgment is entered on said complaint; provided, however, that, at the discretion of the enforcing authority, the violation may be disposed of by the noncriminal disposition procedures pursuant to section twenty of chapter forty, in which case the maximum fine shall be one thousand dollars. If a conviction is returned on the complaint the court shall award to any person or persons, other than an employee of the enforcing authority, whose information materially contributed to the identification of the convicted party, up to five hundred dollars, and the balance of the fine shall be equally divided between the enforcing authority and the court. If such violation is disposed of noncriminally, the balance of such fine, after payment of the award, if any, shall be deposited in the general fund of the enforcing authority. Vehicles seized under the provisions of this section which are not claimed or redeemed by their owners as provided for above within thirty days of the date of seizure, may after thirty days notice by certified mail to the vehicle's registered owner, be sold at auction and the proceeds be applied to the fines assessed herein, vehicle towing and storage costs and the costs for legal disposal of the material. Enforcing authorities shall adopt appropriate rules and regulations which provide for the orderly implementation of this section.

Approved October 18, 1989.

Chapter 430. AN ACT AUTHORIZING THE TOWN OF BECKET TO APPOINT NON-RESIDENT ASSESSORS.

Be it enacted, etc., as follows:

SECTION 1. The town of Becket is hereby authorized to appoint as assessors in said town persons who are not residents of said town.

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

Approved October 19, 1989.

Chapter 431. AN ACT ESTABLISHING PENALTIES FOR ESCAPEES FROM CITY OR TOWN JAILS.

Be it enacted, etc., as follows:

Chapter 268 of the General Laws is hereby amended by inserting after section 15 the following section:-

Section 15A. Whoever, after lawfully being placed in custody in a jail of a city or town, escapes from any such jail shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years, or by a fine of not more than five hundred dollars, or both.

Approved October 19, 1989.

Chapter 432. AN ACT RELATIVE TO THE PENALTY FOR TENDERING INSUFFICIENT FUNDS CHECK.

Be it enacted, etc., as follows:

Section 57A of chapter 60 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If any check in payment of any tax, interest, penalty, fee or other charge imposed under chapters fifty-nine to sixty-one A, inclusive, or chapter eighty or for any other municipal service rendered is not duly paid there may, in addition to any other penalties provided by law, be paid as a penalty by the person who tendered such check, upon notice and demand by the city or town tax collector, in the same manner as the tax or other amount to which the check relates, an amount equal to one percent of the amount of such check; provided, however, that if the amount of such check is less than two thousand five hundred dollars, the penalty under this section shall be twenty-five dollars.

Approved October 19, 1989.

Chapter 433. AN ACT FURTHER REGULATING THE SALE OF FIRE ARMS.

Be it enacted, etc., as follows:

Section 121 of chapter 140 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:- A "rifle" is a weapon having a rifled bore with a barrel length equal to or greater than sixteen inches, capable of discharging a shot or bullet for each pull of the trigger. A "shotgun" is a weapon having a smooth bore with a barrel length

equal to or greater than eighteen inches with an overall length equal to or greater than twenty-six inches, capable of discharging a shot or bullet for each pull of the trigger.

Approved October 19, 1989.

Chapter 434. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BILLERICA AS THE JOAN M. GOULD BRIDGE.

Be it enacted, etc., as follows:

The bridge on Pond street over the Boston and Maine Railroad tracks in the town of Billerica shall be designated and known as the Joan M. Gould bridge, in honor of Joan M. Gould who was a girl scout leader and community activist in the town of Billerica. A suitable marker bearing said designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved October 19, 1989.

Chapter 435. AN ACT PERMITTING THE TOWN OF LEXINGTON TO ADOPT A PLAN FOR LONG-TERM DISABILITY INSURANCE FOR TOWN EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. The town of Lexington, acting by and through its town manager and board of selectmen, is hereby authorized to adopt and administer a plan for long-term disability insurance for active town employees. All premiums associated with such a plan shall be paid by the active town employees who participate either directly or through payroll deductions. No town funds shall be appropriated to pay premiums.

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

Approved October 23, 1989.

Chapter 436. AN ACT RELATIVE TO TAX NOTICES.

Be it enacted, etc., as follows:

Section 3 of chapter 60 of the General Laws is hereby amended by adding the

following paragraph:-

The collector may send the notice required by this section to an owner who has acquired title by a deed duly recorded subsequent to January first in the year in which said tax was assessed.

Approved October 23, 1989.

Chapter 437. AN ACT RELATIVE TO MUNICIPAL LIEN CERTIFICATES.

Be it enacted, etc., as follows:

SECTION 1. Section 23 of chapter 60 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- The collector of taxes for any town having five thousand inhabitants or less as determined by the last preceding national or state census shall, on written application by any person, and within twenty days thereafter, excluding Saturdays, Sundays and holidays, furnish to such applicant such a certificate.

SECTION 2. Said section 23 of said chapter 60, as so appearing, is hereby further amended by striking out, in lines 33 and 34, the words "has been so filed under section thirty-seven A or under any other provision of law" and inserting in place thereof the words:- or order creating or continuing such lien has been so filed under any provision of law, if said lien can be discharged by the recording or registration of an instrument other than a certificate under this section.

Approved October 23, 1989.

Chapter 438. AN ACT RELATIVE TO THE INSTALLATION AND CALIBRATION OF BULK MILK TANKS.

Be it enacted, etc., as follows:

Chapter 98 of the General Laws is hereby amended by striking out section 46A, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 46A. Each bulk milk tank shall upon installation be calibrated and sealed by the director or his authorized representative. Reinstallation of a used bulk milk tank shall be considered as an original installation, provided it is for a new owner at other than the original premises. The director shall prescribe rules governing the calibration and sealing of bulk milk tanks. The director shall prepare the required interpolation charts for use in connection with such tanks, utilizing therefor a conversion figure of eight and six-tenths pounds per gallon of milk. A record of the inspection and calibration of all such tanks shall be kept by the

director. Whenever the recalibration of a bulk milk tank is requested, it shall be done by the director and the party requesting the recalibration shall pay a fee therefor to be established and collected by the director, but such fee shall not exceed fifteen dollars.

Approved October 23, 1989.

Chapter 439. AN ACT FURTHER REGULATING THE DISCLOSURE OF TAX INFORMATION.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 21 of chapter 62C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "proceedings", in line 6, the words:- or other activities.

SECTION 2. Subsection (b) of said section 21 of said chapter 62C, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) the disclosure of information contained in returns filed pursuant to subsections (a) and (k) of section sixteen and subsection (a) of section eighteen.

SECTION 3. Said subsection (b) of said section 21 of said chapter 62C, as so appearing, is hereby further amended by striking out clause (8) and inserting in place thereof the following clause:-

(8) the disclosure as to whether any designated person has filed a return under this chapter with respect to any designated tax for the current or any prior year or tax period.

SECTION 4. Section 21 of said chapter 62C, as so appearing, is hereby amended by adding the following subsection:-

(d) The confidentiality provisions and the prohibition as to disclosure contained in this section shall apply to standards used or to be used for the selection of tax returns for examination, data used or to be used for determining such standards and such other materials as reflect audit or compliance selection criteria, audit issue criteria or audit, compliance and collection techniques, if the commissioner determines that disclosure will seriously impair assessment, collection or enforcement under the tax laws.

Approved October 23, 1989.

Chapter 440. AN ACT RELATIVE TO PUBLIC ADMINISTRATORS.

Be it enacted, etc., as follows:

Chapter 194 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out section 14 and inserting in place thereof the following section:-

Section 14. If after a public administrator or an executor or an administrator with the will annexed of a person who has died leaving no known heirs, has deposited with the state treasurer the balance of an estate, any person petitions the probate court which granted letters of administration or letters testamentary on such estate, and shows that he is legally entitled by the will of the deceased or otherwise to the administration thereof, the court shall grant administration thereof or, upon probate of such will, shall grant letters testamentary or of administration with the will annexed to such petitioner or, at his request, to some other suitable person.

Approved October 23, 1989.

Chapter 441. AN ACT RELATIVE TO THE LIABILITY ARISING OUT OF INJURIES FROM CONTACTS WITH HIGH VOLTAGE LINES.

Be it enacted, etc., as follows:

Chapter 166 of the General Laws is hereby amended by striking out section 21G, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 21G. (a) Whoever violates any of the provisions of sections twenty-one A to twenty-one F, inclusive, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment for not more than one year, or both.

(b) If a violation of any of the provisions of sections twenty-one A to twenty-one F, inclusive, results in physical or electrical contact with any overhead high voltage line, the person, firm, corporation, or association violating said provisions shall be liable to the owner or operator of such high voltage line for all damage resulting from such contact and for all liability incurred by such owner or operator as a result of any such contact.

Approved October 23, 1989.

Chapter 442. AN ACT RELATIVE TO NOTICE OF AUTOMOBILE INSURANCE FRAUD.

Be it enacted, etc., as follows:

The first paragraph of section 113 O of chapter 175 of the General Laws, as most

recently amended by section 50 of chapter 273 of the acts of 1988, is hereby further amended by adding the following sentence:- If said insurer denies said fire coverage claim, then said insurer shall provide appropriate notice within a reasonable time of the denial of coverage to all lien holders, if any, of the insured vehicle.

Approved October 23, 1989.

Chapter 443. AN ACT LIMITING THE LIABILITY OF OFFICERS OF CERTAIN NONPROFIT CEMETERIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 114 of the General Laws is hereby amended by inserting after section 1, as appearing in the 1988 Official Edition, the following section:-

Section 1A. No person who serves as director, officer or trustee of a nonprofit cemetery qualified as a tax exempt organization under Section 501(c) of the Internal Revenue Code and who is not compensated for such services shall be liable for any act or omission resulting in damages or injury to another if such person was acting in good faith and within the scope of his official functions or duties unless said damage was caused by an act or omission intentionally designed to harm or by any gross negligent act or omission which results in harm to the person.

Nothing in this section shall be construed as affecting or modifying the liability of any person subject to this section for any cause of action arising out of such person's operation of a motor vehicle.

SECTION 2. The provisions of section one of this act shall apply to any act or omission occurring on or after the effective date of this act.

Approved October 23, 1989.

Chapter 444. AN ACT RELATIVE TO THE EXCISE ON PLASTIC COVERED GREENHOUSES.

Be it enacted, etc., as follows:

The first paragraph of section 8A of chapter 59 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- For the purposes of this section the term "equipment" shall include plastic covered greenhouses used for agricultural, horticultural or floricultural purposes, which are not constructed upon a concrete foundation.

Approved October 23, 1989.

Chapter 445. **AN ACT DESIGNATING THE SONG "MASSACHUSETTS (BECAUSE OF YOU OUR LAND IS FREE)" AS THE OFFICIAL PATRIOTIC SONG OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

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

Section 31. The song "Massachusetts (Because of You Our Land Is Free)", words and music by Bernard Davidson, shall be the patriotic song of the commonwealth.

Approved October 23, 1989.

Chapter 446. **AN ACT RELATIVE TO THE METROPOLITAN DISTRICT COMMISSION.**

Be it enacted, etc., as follows:

SECTION 1. Section 2C of chapter 240 of the acts of 1989 is hereby amended by inserting after item 2440-0012 the following item: -

2440-0014	The metropolitan district commission shall retain and may expend in an amount not to exceed one million dollars revenues raised from the rental of ice time at the rinks under the care and control of said agency for the operation and maintenance of said rinks; provided, that only those revenues raised outside of the regular skating season as determined by the commission shall be eligible to be retained and expended pursuant to this item and provided further, that revenue retained pursuant to this item may be expended only for operating and maintenance expenses incurred outside of the regular skating season provided, however, that the metropolitan district commission shall not use any of the revenue retained pursuant to this item for personnel costs. The commissioner of the metropolitan district commission shall prepare a report detailing the expenses incurred for the operation and maintenance of said rinks prior to the start of the regular skating season and the revenue raised from the rental of ice time during that period. Said report shall be submitted to the house and senate committees on ways and means on or before December fifteenth, nineteen hundred and eighty-nine	$1,000,000

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

Approved October 24, 1989.

Chapter 447. 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 Gerald Silverman in the town of Andover, as he is a selectman in said town of Andover, on October twenty-eighth, nineteen hundred and eighty-nine between Neil Francis Faigel and Tally Tomsic both of said town of Andover, and the state secretary shall issue to said Gerald Silverman in his capacity as aforesaid a certificate of such authorization.

Approved October 27, 1989.

Chapter 448. AN ACT EXTENDING THE REPORTING DATE FOR THE FILING OF CERTAIN FINANCIAL STATEMENTS BY THE COMMISSIONER OF REVENUE, THE STATE AUDITOR AND THE STATE COMPTROLLER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately extend the reporting date for the filing of certain financial statements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Subsection (1) of section 5 of chapter 29 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "August fifteenth" and inserting in place thereof the following words:- September first.

SECTION 2. Section 5C of said chapter 29, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "August fifteenth" and inserting in place thereof the following words:- September first.

SECTION 3. Chapter 62F of the General Laws is hereby amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. (a) The commissioner shall annually, on or before September first prepare a report of the net state tax revenues and the allowable state tax revenues of the commonwealth for the preceding fiscal year, and shall submit the report to the state auditor. Said state auditor shall review the report for completeness and accuracy, and may make or request the commissioner to make any necessary adjustments or modifications to assure its completeness and accuracy.

(b) Said state auditor shall annually on or before the third Tuesday of September, independently determine whether net state tax revenues for the immediately preceding fiscal year exceeded the allowable state tax revenues for said fiscal year. If said state auditor determines that the allowable state tax revenues for the immediately preceding fiscal year were exceeded, except as otherwise specifically authorized herein, he shall report that determination and the amount by which allowable state tax revenues were exceeded to the governor, the president of the senate, the speaker of the house of representatives, the house and Senate committees on ways and means, and the commissioner. Said commissioner shall take all necessary action to effectuate the provisions of section six.

(c) Except as otherwise provided therein, the determination of said state auditor both as to the existence and the amount of an excess of net state tax revenues over the allowable state tax revenues in a fiscal year shall be conclusive for purposes of section six.

SECTION 4. This act shall take effect as of July first, nineteen hundred and eighty-nine.

Approved October 27, 1989.

Chapter 449. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain, purchase or otherwise, a certain parcel of land located in the city of Boston owned by the Massachusetts Port Authority and to transfer the care, custody and control of said parcel to the department of public works for highway purposes in conjunction with the construction of the central

artery north area project, so-called. Said parcel is shown on a plan entitled: "Plan of Land in Boston, Mass, Proposed Land Takings for the Commonwealth of Massachusetts, Department of Public Works", dated October 1, 1986, prepared by Bryant Associates Inc. Boston Massachusetts, which plan shall be kept on file with the chief engineer of said department of public works.

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

Approved October 27, 1989.

Chapter 450. AN ACT AUTHORIZING THE MASHPEE WATER DISTRICT TO ESTABLISH A CERTAIN REVOLVING FUND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 136 of the acts of 1987, as amended by section 1 of chapter 72 of the acts of 1989, is hereby further amended by inserting after section 5 the following section:-

Section 5A. The district is hereby authorized to establish a revolving fund which shall be kept separate and apart from all other monies by the treasurer of the district and in which shall be deposited only the fees received from the installation of water service and water meters. Such money may be expended without appropriation, for the payment of contractors performing such water service and meter installation.

SECTION 2. This act shall take effect upon its passage and shall expire on July first, nineteen hundred and ninety-four.

Approved October 27, 1989.

Chapter 451. AN ACT DESIGNATING THE LIBERTY STREET BRIDGE IN THE TOWN OF BRAINTREE THE WARREN C. DRISCOLL MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge on Liberty street in the town of Braintree extending over railroad tracks shall be designated and known as the Warren C. Driscoll Memorial Bridge, in honor of Warren C. Driscoll of said town of Braintree. The department of public works shall erect suitable markers bearing such designation in compliance with the standards of said department.

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

Approved October 27, 1989.

Chapter 452. AN ACT AUTHORIZING THE TOWN OF BOXFORD TO PAY A CERTAIN UNPAID BILL TO KILLAM CONSTRUCTION CO., INC.

Be it enacted, etc., as follows:

The town of Boxford is hereby authorized to appropriate money for the payment of and after such appropriation the treasurer of said town is authorized to pay to Killam Construction Co., Inc. a sum not to exceed six thousand two hundred ninety-three dollars and twenty-two cents.

Approved October 27, 1989.

Chapter 453. AN ACT ESTABLISHING A BOARD OF PARK AND CEMETERY COMMISSIONERS IN THE TOWN OF TOPSFIELD.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Topsfield a board of park and cemetery commissioners consisting of three members; provided, however, that the present board of park commissioners and board of cemetery commissioners shall serve until the annual town election to be held in the year nineteen hundred and ninety. Said commission shall have all the powers, rights, duties and obligations of both park commissioners and cemetery commissioners granted by the provisions of any general or special law, by-law or town meeting vote.

At said town meeting, members elected to the board of park and cemetery commissioners shall be elected for terms of one, two and three years respectively and thereafter all members shall be elected for terms of three years.

SECTION 2. All employees of the park commission and of the cemetery commission of said town shall be transferred to said park and cemetery commission upon the election of its members and shall continue to perform the same duties at not less than the salary being received on said date. Every employee so transferred who immediately prior to such transfer was subject to section nine A of chapter thirty or to chapter thirty-one of the General Laws under a permanent appointment and who has served a probationary period shall continue to serve subject to the provisions of said section nine A of said chapter thirty or to said chapter thirty-one, as the case may be, whether or not thereafter reclassified, and shall retain all rights to holidays, sick leave and vacations in effect on the effective date of this act; provided, however, that any person transferred who was not subject to said section nine A or said chapter thirty-one and persons appointed after the effective date of this act shall not be subject to said section nine A of chapter thirty

or to any provisions of said chapter thirty-one.

Approved October 27, 1989.

Chapter 454. AN ACT AUTHORIZING COMPENSATING BALANCE AGREEMENTS UP TO THREE YEARS.

Be it enacted, etc., as follows:

The first paragraph of section 53F of chapter 44 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words "one year" and inserting in place thereof the words:- three years.

Approved October 27, 1989.

Chapter 455. AN ACT RELATIVE TO MUNICIPAL FINANCING AND ACCOUNTING OR SELF-INSURED WORKER'S COMPENSATION.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 13B, as appearing in the 1988 Official Edition, the following section:-

Section 13C. In any city or town which accepts the provisions of this section that has elected to self insure its worker's compensation may establish reserves to pay worker's compensation claims until said claims are fully paid. Said claims reserves shall be segregated by fiscal year and all funds so reserved shall be managed by a designated fiscal officer of such city or town. Any funds remaining after all claims are paid for a particular year, may be placed in another fiscal year's claim reserve fund, if needed, or returned to general funds. Costs of reinsurance, if used, and outside claims and safety services may be disbursed from said funds.

Approved October 27, 1989.

Chapter 456. AN ACT FURTHER REGULATING COLLECTIVE BARGAINING FOR FORMER EMPLOYEES OF BLUE HILLS TECHNICAL INSTITUTE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately clarify collective bargaining for former employees of Blue Hills Technical Institute, 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, rule, or regulation to the contrary, the professional and nonprofessional employees who were employed at Blue Hills Technical Institute on the date it was discontinued and who were subsequently immediately employed as professional or nonprofessional employees at Massasoit Community College and who have been continuously employed as of the effective date of this act, may collectively bargain over a pro-rated credit for purposes of employment at said Massasoit Community College of the unused sick leave each such employee had accumulated during such employee's employment at Blue Hills Technical Institute as of the date said Institute was discontinued.

Approved October 27, 1989.

Chapter 457. AN ACT RELATIVE TO THE REMOVAL OF SLASH ON MASSACHUSETTS WOODLANDS.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 48 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "lands", in line 14, the words:- , or their agents or employees, or any such person or entity holding rights or interest in said land or the timber thereon.

SECTION 2. Section 16A of said chapter 48, as so appearing, is hereby amended by inserting after the word "lands", in line 1, the words:- , or their agents or employees, or any such person or entity holding rights or interest in said lands or the timber thereon.

Approved October 27, 1989.

Chapter 458. AN ACT FURTHER REGULATING THE RECEIVERSHIP OF NURSING HOMES.

Be it enacted, etc., as follows:

Section 72 O of chapter 111 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last paragraph.

Approved October 27, 1989.

Chapter 459. AN ACT PERMITTING THE USE OF MICROWAVE OVENS IN LODGING HOUSES.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by inserting after section 22A the following section:-

Section 22B. Notwithstanding the provision of law or any regulation, ordinance or by-law to the contrary, a lodging house may furnish individual microwave ovens.

Approved October 27, 1989.

Chapter 460. AN ACT RELATIVE TO AUTHORIZING THE TOWN OF RANDOLPH TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Randolph a department of public works, hereinafter called the board, consisting of five members elected at large. The initial members thereof shall serve as follows:- the two individuals who receive the first and second highest number of votes shall serve for three years, and two individuals who receive the third and fourth highest number of votes shall serve for two years, and the individual that receives the fifth highest votes shall serve for one year from the date of the annual town election at which they are elected, and thereafter when the term of any member expires, the successor shall be elected to serve three years. In all cases the members of the board shall serve until their successors take office. The board shall forthwith after each annual town election elect from among its members a chairman and a clerk for the ensuing year. In case of a vacancy, the remaining members of the board shall, jointly with the board of selectmen, within thirty days, fill such vacancy until the next town election, when a new member or members shall be elected to fill the unexpired term. No person shall serve on the board who holds any other elective or appointive office in the town other than that of town meeting member.

SECTION 2. Upon the qualification of the initial members of the department of public works, the board shall have all the powers and duties now and from time to time vested by general or special law or town by-law including, but not limited to, the following boards, departments, and offices, or in boards, departments, and offices having corresponding powers and duties in the town of Randolph, to wit: water commissioner, sewer commissioner, tree warden, park commissioner (with respect to maintenance and construction only), drainage and such boards, offices and departments shall be abolished. No existing contract or liability shall be

affected by such abolition, but the department of public works shall in all respects be the lawful successor of the boards, departments, and offices so abolished. The board shall have added powers with respect to public works as the town may, from time to time, by by-law provide any other provisions of the law to the contrary notwithstanding.

SECTION 3. The department of public works shall consist of a sewer division, a water division, a street division, an engineering division, a tree division, and a park division.

SECTION 4. The board shall appoint and fix the tenure and compensation of a superintendent of public works who shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to it under section two, and as it may from time to time designate. The superintendent shall be specially fitted by education, training and experience to perform the duties of the office. The person need not be a resident of the town during tenure of office. The superintendent shall be responsible for the efficient exercise and performance of such powers, rights and duties. Removal from such position prior to the expiration of tenure must be for just cause only and by a vote of at least four members of the board. The superintendent shall be given a written notice at least fourteen days prior to date of removal, which shall specify the reason for such removal. At the superintendent's request a public hearing shall be held on the charges brought against such individual.

During said superintendent's tenure he shall hold no elective or appointive office within the town other than town meeting member nor be engaged in any other business or occupation. The superintendent shall give to the town a bond with a surety company authorized to transact business in the commonwealth for the faithful performance of duties in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of the individual's powers, rights and duties may require. The duties shall include keeping a full and complete record of the doings of the office, shall render to the board, as often as it may require, a full report of all operations under his control during the period reported upon, and annually, and from time to time as requested by the board, shall make a synopsis of such reports for publication and keep the board fully advised as to the needs of the town within the scope of the required duties, and shall annually, not later than November thirtieth, furnish to the board a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said rights and duties. Each permanent employee of any board, department or office abolished by this act shall be transferred to and become an employee of the department of public works and shall not be reduced or dismissed without just cause.

SECTION 5. This act shall be submitted to the voters of the town of Randolph

for acceptance at the annual town election in the year nineteen hundred and ninety, 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 election: "Shall an act passed by the General Court in the year nineteen hundred and eighty-nine, entitled 'An Act Authorizing The Town Of Randolph To Establish A Department Of Public Works exercising the powers of certain other departments and other town officials', be accepted?". If a majority of the votes cast in answer to this question are in the affirmative, this act shall take effect beginning with the annual town election in the year nineteen hundred and ninety.

SECTION 6. The town of Randolph may, after the expiration of three years from the date of acceptance of this act, vote at an annual meeting to revoke such acceptance, and the question of such revocation shall be submitted to the voters in the form of the following question: "Shall the acceptance by the town of Randolph of an act passed by the General Court in the year nineteen hundred and eighty-nine, entitled 'An Act Authorizing The Town Of Randolph To Establish A Department Of Public Works exercising the powers of certain other departments and town officials', be revoked?".

If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual election held after said vote of revocation, the town shall elect such officers as are necessary to exercise and perform, rights and duties transferred to the department of public works by said act. Such act shall not affect any contract or liability then created or existing. All general laws respecting town administration and town officers, and any special laws, relative to said town, the operation of which has been suspended or superseded by the acceptance of this act, shall then be in full force and effect. Any by-law inconsistent with such special or general laws shall be revoked thereby. Any subsequent vote to revoke the acceptance of this act shall not be taken more often than once in three years.

Approved October 27, 1989.

Chapter 461. AN ACT RELATIVE TO DENTAL SERVICE AGREEMENTS.

Be it enacted, etc., as follows:

Section 1 of chapter 560 of the acts of 1987 is hereby amended by striking out the seventh and eighth paragraphs and inserting in place thereof the following two paragraphs:-

The total adjustments shall be sufficient to generate, over a twelve month period, additional payments to participating dentists equal to the total dollar increase in medical malpractice insurance premium charges for the current year over the charges which were fixed and established for said insurance for the prior year, multiplied by the following fraction: (a) the numerator shall be the per cent

of total revenues for dentists, which the dental service corporation's payments for services subject to limitations on charges and collections imposed by contractual agreement of such dental service corporation constitute, plus one-half of the per cent of total revenues for dentists, paid by health insurance under Title XVIII of the Social Security Act; and (b) the denominator shall be one hundred per cent minus the per cent of total revenues for dentists, paid by the dental service corporation under policies providing supplemental coverage to health insurance under Title XVIII of the Social Security Act, if any. In the event that medical malpractice insurance premium charges decrease, negative adjustments shall be made pursuant to the same formula.

The commissioner of insurance shall determine the method by which the dental service corporation shall disburse to the participating dentist the adjustments contemplated by this chapter and shall be authorized to approve disbursing methods which aggregate payments of procedure code adjustments over a period not to exceed one year. If consistent with the disbursement methodology approved by the commissioner, any participating dentist, when filing a request for payment based on a procedure code with said dental service corporation, shall be allowed to include the dollar amount of the total adjustment allocated for that procedure code; provided, however, that said dollar amount shall not be separately stated. Upon submission of such dollar amount by the participating dentist, the dental service corporation shall include all of the dollar amount in the amount calculated to be paid to the participating dentists for that procedure code. No change in medical malpractice insurance premium charges shall be approved by the commissioner of insurance until he has determined the percentage shares of total revenues for dentists paid by the dental service corporations and others as provided herein. The adjustment to payments by the dental service corporation shall take effect with the next regularly scheduled change in payments following the change in medical malpractice insurance premiums; provided, however, that said next regularly scheduled change in payments shall not be less than ninety days following the decision fixing and establishing total adjustments. The dental service corporation shall make available to participating dentists a list of the adjustments by the procedure code that have been made prior to the next regularly scheduled change in payments. The dental service corporation shall also provide said list to the division of insurance, which shall make available such list upon request.

Approved October 27, 1989.

Chapter 462. AN ACT RELATIVE TO STATE EMPLOYEES, WHO WERE FORMERLY COUNTY EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 203 of the acts of 1988 is hereby amended by inserting after section 14 the following section:-

Section 14A. Any person employed by a county agency prior to October first, nineteen hundred and eighty-eight who, as a result of this act becomes employed by a state agency as defined in section one of chapter two hundred and sixty-eight A of the General Laws, shall not be precluded from holding a second position with a state agency under the provisions of section twenty-one of chapter thirty of the General Laws or section seven of said chapter two hundred and sixty-eight A if such position was held prior to said October first, nineteen hundred and eighty-eight.

Approved October 27, 1989.

Chapter 463. AN ACT RELATIVE TO THE NAMING OF A CERTAIN BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 205 of the acts of 1987 is hereby amended by striking out, in line 2, the word "Plymouth" and inserting in place thereof the word:- Bourne.

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

Approved October 31, 1989.

Chapter 464. AN ACT RELATIVE TO ASSAULTS ON EMERGENCY MEDICAL TECHNICIANS.

Be it enacted, etc., as follows:

Section 13I of chapter 265 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "assault", in line 1, the words:- or assault and battery.

Approved October 31, 1989.

Chapter 465. AN ACT FURTHER REGULATING SMALL CLAIMS ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 218 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

In the hearing and disposition of any claim for money damages within the jurisdiction of such procedure, the Boston municipal and district court departments shall have all equity powers and jurisdiction conferred by sections one, one A and two, and clause (1) of section three of chapter two hundred and fourteen.

SECTION 2. The first paragraph of 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 surcharge required by section four C of chapter two hundred and sixty-two, but without summons and complaint and without requirement, except by special order of court, of any pleading other than a concise written statement of the claim.

Approved October 31, 1989.

Chapter 466. ACT FURTHER REGULATING THE HOURS DURING WHICH BEANO MAY BE CONDUCTED.

Be it enacted, etc., as follows:

Section 38 of chapter 10 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following two paragraphs:-

Each organization licensed shall be limited to conducting such game to two days in each calendar week; provided, however, that on one of such days each license shall limit the playing of said game to the hours between six o'clock post meridian and twelve o'clock midnight and on the other of such days said license shall limit the playing of said game to the hours between one o'clock post meridian and six o'clock post meridian and said days and appropriate times shall be set forth in the license.

On not more than three occasions in one calendar year a licensee may change the date on which such beano game is to be conducted; provided, however, that the new date falls on the same day of the week according to the terms of the license; and provided, further, that said licensee shall notify the commission of such change no less than thirty days prior to said new date.

Approved October 31, 1989.

Chapter 467. AN ACT ALLOWING THE EMPLOYMENT OF REGIONALLY CERTIFIED TEACHERS.

Be it enacted, etc., as follows:

Section 38G of chapter 71 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fifteenth paragraph and inserting in place thereof the following paragraph:-

This section shall not apply to trade, vocational, temporary substitute teachers, exchange teachers, regionally licensed or certified teachers or to teaching or administrative interns; provided, however, that approval for the employment of such personnel shall be granted by the board under such rules and regulations as it may adopt. As used in this section, a "temporary substitute" shall be one employed for less than a school year to take the place of a regularly employed teacher who is absent by reason of illness or by reason of education leave, maternity leave, military leave, sabbatical leave or other leave. As used in this section, a "teaching or administrative intern" shall be a student who has completed his student teaching requirements and seeks additional experience in teaching or administrative positions. As used in this section a "regionally licensed or certified teacher" shall be an applicant for a teacher's certificate in Massachusetts who has been granted a regional license or certificate by another state jurisdiction under terms of a contract entered into pursuant to chapter seven hundred and forty-eight of the acts of nineteen hundred and sixty-eight, the Interstate Agreement on Certification of Educational Personnel.

Approved October 31, 1989.

Chapter 468. AN ACT FURTHER REGULATING CERTAIN DRUG RESEARCH REPORTING REQUIREMENTS.

Be it enacted, etc., as follows:

Section 8 of chapter 94C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words "and the commissioner of mental health".

Approved October 31, 1989.

Chapter 469. AN ACT FURTHER REGULATING CERTAIN MUNICIPAL LIEN PROVISIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 42B of chapter 40 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Such lien shall take effect by operation of law on the day immediately following the due date of such rate or charge, and, unless dissolved by payment or abatement, shall continue until such rate or charge has been added to or committed as a tax under section forty-two C, and thereafter, unless so dissolved, shall continue as provided in section thirty-seven of chapter sixty; provided, however, that if any such rate or charge is not added to or committed as a tax under section forty-two C for the next fiscal year commencing after the inception of the lien under this section, then said lien shall terminate on October first of the third year following the year in which such charge becomes due.

SECTION 2. Section 16B of chapter 83 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Such lien shall take effect by operation of law on the day immediately following the due date of such rate or charge, and, unless dissolved by payment or abatement, shall continue until such rate or charge has been added to or committed as a tax under section sixteen C, and thereafter, unless so dissolved, shall continue as provided in section thirty-seven of chapter sixty; provided, however, that if any such rate or charge is not added to or committed as a tax under section sixteen C for the next fiscal year commencing after the inception of the lien under this section, then said lien shall terminate on October first of the third year following the year in which such charge becomes due.

SECTION 3. Section 58C of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Such lien shall take effect by operation of law on the day immediately following the due date of such rate or charge, and, unless dissolved by payment or abatement, shall continue until such rate or charge has been added to or committed as a tax under section fifty-eight D, and thereafter, unless so dissolved, shall continue as provided in section thirty-seven of chapter sixty; provided, however, that if any such rate or charge is not added to or committed as a tax under section fifty-eight D for the next fiscal year commencing after the inception of the lien under this section, then said lien shall terminate on October first of the third year following the year in which such charge becomes due.

Approved October 31, 1989.

Chapter 470. AN ACT REGULATING THE RIGHTS OF PUBLIC EMPLOYEES TO RUN FOR ELECTIVE OFFICE.

Be it enacted, etc., as follows:

Section 6 of chapter 150E of the General Laws, as appearing in the 1988 Official

Edition, is hereby amended by inserting after the word "concession", in line 8, the words:- ; provided, however, that in no event shall the right of any employee to run as a candidate for or to hold elective office be deemed to be within the scope of negotiation.

Approved October 31, 1989.

Chapter 471. AN ACT RELATIVE TO THE INSOLVENCY, SALE OR MERGER OF A SAVINGS AND INSURANCE BANK.

Be it enacted, etc., as follows:

The second paragraph of section 18 of chapter 178 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following clause:-

(h) whenever the commissioner of banks has certified that the savings department of any such bank is in an unsafe or unsound condition, he shall forthwith notify the commissioner of savings bank life insurance. Upon such notification, or in the event that any such bank is sold to or merged with a bank or organization that is unauthorized by law to operate a savings bank life insurance department, the ownership and control of the property and business of the life insurance department shall automatically vest in the trustees of the General Insurance Guaranty Fund, who shall be responsible for the operation of such insurance department. The trustees may subsequently transfer the insurance department back to such bank if they have received notification from the commissioner of banks that such bank is no longer in an unsafe or unsound condition. The trustees may at any time authorize the reinsurance of all outstanding policies and annuity contracts assumed from such a bank to any other savings and insurance bank.

Approved October 31, 1989.

Chapter 472. AN ACT RELATIVE TO THE CONGREGATIONAL MINISTERIAL FUND FOR THE FIRST PARISH IN THE TOWN OF MEDFORD.

Be it enacted, etc., as follows:

Chapter 52 of the acts of 1874 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The Trustees of the Congregational Ministerial Fund for the First Parish in the town of Medford, a corporation established by chapter one hundred

and thirty of the acts of eighteen hundred and twenty-seven are authorized to receive and hold the estates, real and personal in any amount and may appropriate at the annual meeting of the said trustees an amount out of the said annual income to the payment of the salary of the minister of the parish, now known as the Unitarian Universalist Church of Medford, Massachusetts, Inc.; said appropriation is not to exceed the amount of the said annual income less administrative expenses and the remainder, if any, of such income is to be appropriated to the purposes which by law they may now appropriate the same.

Approved October 31, 1989.

Chapter 473. AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF RAYNHAM.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Raynham may be recalled therefrom by the registered voters of the town as herein provided, except, the maximum number of members of a board that may be recalled is a majority.

SECTION 2. Any twenty-five registered voters of the town may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by the town clerk, with his signature and official seal attached thereto. They shall be dated, shall be addressed to the board of selectmen and s hall contain the names of all the 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 in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after filing of the affidavit, and shall have been signed by at least twenty-five percent 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 five working days certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient he shall submit the same with his certificate to the board of selectmen within five working days, and said board of selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order

an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided however, that if any other town election is to occur within one hundred days after the date of the certificate said board of selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall 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 this 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 qualifications of his successor, who shall hold office during the unexpired term. If the successor, fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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

For the recall of (name of officer).

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of the said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within ninety days after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which time his recall was submitted to the voters of the town.

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

Approved October 31, 1989.

Chapter 474. **AN ACT INCREASING THE BENEFITS PAID TO WIDOWS OF BOSTON POLICE OFFICERS KILLED IN THE LINE OF DUTY PRIOR TO NINETEEN HUNDRED AND FORTY-NINE.**

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the city of Boston is hereby authorized to provide for the election by a widow of a Boston police officer killed in the line of duty prior to nineteen hundred and forty-nine, of a pension for her life, for as long as she remains unmarried, equal to fifty percent of the compensation said deceased officer would have received had he continued to serve in the position which he held at the time of death; provided, however, that such salary shall be the maximum for his grade even though said deceased officer may not have reached such maximum grade.

SECTION 2. Chapter two hundred and eighteen of the acts of nineteen hundred and seventy-six is hereby repealed.

SECTION 3. This act shall take effect as of January first, nineteen hundred and eighty-nine.

Approved October 31, 1989.

Chapter 475. **AN ACT FURTHER REGULATING HOMESTEAD PROTECTION FOR ELDERLY AND DISABLED PERSONS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for further homestead protection for elderly and disabled persons, 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 1 of chapter 188 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:- For the purposes of this chapter, the word "family" shall include either a parent and child or children, a husband and wife and their children, if any, or a sole owner.

SECTION 2. Said chapter 188 is hereby further amended by striking out section 1A, as amended by section 38 of chapter 199 of the acts of 1988, and inserting in place thereof the following section:-

Section 1A. The real property of a person or persons sixty-five years of age or older, regardless of marital status, or of a disabled person or persons, as herein

defined, shall be protected against attachment, seizure or execution of judgment to the extent of two hundred thousand dollars; provided, however, that such person or persons have filed an elderly or disabled person's declaration of homestead protection as provided in section two; and provided, further, that such person occupies or intends to occupy such property as his principal residence. A disabled person's declaration of homestead protection shall be accompanied by either of the documents referred to in the second paragraph of this section.

For the purposes of this section, a disabled person is defined as an individual who has any medically determinable permanent physical or mental impairment which would meet the disability requirements for supplemental security income under the provisions of 42 U.S.C. 1382c(a)(3)(A) and (C), which are in effect at the time of filing. An original or certified copy of a disability award letter issued to the person by the United States Social Security Administration; or a letter signed by a licensed physician registered with the Massachusetts Board of Registration in Medicine certifying that the person meets the disability requirements stated in 42 U.S.C. 1382c(a)(3)(A) and (C), which are in effect at the time of filing, shall be recorded with a disabled person's declaration of homestead protection.

Each individual having an ownership interest in real property which serves as that individual's principal residence and who qualifies under the provisions of this section shall, upon filing of an elderly or disabled person's declaration of homestead protection, be eligible for protection of such ownership interest up to a maximum amount of two hundred thousand dollars per individual, regardless of whether such declaration is filed individually or jointly with another.

The following shall be exempt from the provisions of this section: federal, state and local taxes, assessments, claims and liens; first and second mortgages held by financial institutions or others; any and all debts, encumbrances or contracts existing prior to the filing of the declaration; an execution issued from the probate court to enforce its judgment that a spouse pay a certain amount weekly or otherwise for the support of a spouse or minor children; where buildings on land not owned by the owner of a homestead estate are attached, levied upon or sold for the ground rent of the lot whereon they stand.

The elderly or disabled person's estate of homestead shall be terminated upon the sale or transfer of the real property during the declarant's lifetime or upon the sale or transfer of the declarant's interest in the property during the declarant's lifetime or upon the death of the surviving declarant. An elderly or disabled person's estate of homestead created by this section shall be terminated during the lifetime of the declarant by deed conveying the property in which such an estate of homestead exists signed by the declarant; or by a release of the elderly or disabled person's estate of homestead, duly signed, sealed and acknowledged by the declarant, and recorded in the registry of deeds for the county or district in which such real estate is located; or pursuant to section two.

SECTION 3. Any person having filed a declaration of homestead under the provisions of section one A of chapter one hundred and eighty-eight of the General Laws, prior to the effective date of this act, shall be deemed to have filed hereunder.

Approved November 1, 1989.

Chapter 476. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO ACQUIRE AN EASEMENT IN BREWSTER PARK FOR SEWAGE PURPOSES IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth is hereby authorized to acquire an easement in certain park land in said town for the purposes of constructing and maintaining an interceptor sewer.

Said easement is shown on a plan entitled "Proposed Sewer Easement, Brewster Park-Water Street, Plymouth, Massachusetts", a copy of which is on file in the office of the Plymouth Department of Public Works-Engineering Division, Frederick J. Smith, Town Engineer and dated August 30, 1989.

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

Approved November 1, 1989.

Chapter 477. AN ACT RELOCATING CERTAIN HARBOR LINES IN NEW BEDFORD HARBOR.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 80 of the acts of 1929 is hereby amended by striking out the third paragraph, as most recently amended by section 1 of chapter 95 of the acts of 1946, and inserting in place thereof the following paragraph:-

Beginning at point L in latitude sixteen thousand four hundred twenty-eight and sixteen one hundredths feet north and longitude four thousand five hundred thirty-four and seven one hundredths feet west, said point L being the most northerly point of the harbor line hereby established on the westerly side of Acushnet river, being located north four degrees, twenty-one minutes, fifty-five seconds east, true bearing, three hundred sixty-three and fifty-eight one hundredths feet from Mark 10 on the Manomet mill property; thence south five degrees, twenty minutes, thirty-three seconds east, true bearing, three thousand seven hundred fifteen and three tenths feet to point M in latitude twelve thousand seven hundred twenty-nine feet north and longitude four thousand one hundred eighty-eight and fourteen one

hundredths feet west, said point M being located north seventy-six degrees, forty-two minutes, fifty-seven seconds east, true bearing, one thousand seven hundred thirteen and forty-seven one hundredths feet from a stone monument at the southeasterly corner of Belleville avenue and Sawyer street in New Bedford; thence south thirty-four minutes, two seconds west, true bearing, one thousand one hundred forty-four and eighty-eight one hundredths feet to point N in latitude eleven thousand five hundred eighty-four and seventeen one hundredths feet north and longitude four thousand one hundred ninety-nine and forty-eight one hundredths feet west, said point N being located south two degrees, thirty-two minutes, forty-nine seconds east, true bearing, fifty-nine and forty-eight one hundredths feet from Mark 11 on the Coggeshall street bridge near the New Bedford end; thence south twenty-seven degrees, thirteen minutes, eight seconds west, true bearing, one thousand one hundred two and seven one hundredths feet to point 0 in latitude ten thousand six hundred four and fifteen one hundredths feet north and longitude four thousand seven hundred three and fifty-five one hundredths feet west, said point 0 being located south twenty degrees, fifty-one minutes, sixteen seconds east, true bearing, two hundred eighty-five and seven one hundredths feet from Mark 12 at the easterly end of Washburn street in New Bedford; thence south twelve degrees, thirty-eight minutes, twenty seconds west, true bearing, one thousand five hundred fifty-four and ninety-seven one hundredths feet to point P in latitude nine thousand eighty-six and eighty-six one hundredths feet north and longitude five thousand forty-three and seventy-nine one hundredths feet west, said point P being located north eighty-two degrees, forty-one minutes, thirty seconds east, true bearing, three hundred thirteen and eight one hundredths feet from Mark 13 near the southeasterly corner of Wamsutta wharf in New Bedfor d; thence south three degrees, forty-six minutes, fifty seconds west, true bearing, three thousand ninety-nine and thirty-eight one hundredths feet to point Q in latitude five thousand nine hundred ninety-four and twenty-three one hundredths feet north and longitude five thousand two hundred forty-eight and fifteen one hundredths feet west, said point Q being located north seventy-five degrees, twenty minutes, thirty seconds east, true bearing, six hundred twenty-six and forty-six one hundredths feet from a stone monument, at the intersection of the southerly line of Hillman street, extended easterly, and the westerly line of North Water street extended northerly, in New Bedford; thence south three degrees, fifteen minutes, forty-four seconds east, true bearing, five hundred forty-seven and seventy-three one hundredths feet to point R in latitude five thousand four hundred forty-seven and thirty-eight one hundredths feet north and longitude five thousand two hundred sixteen and ninety-eight one hundredths feet west, said point R being located south eighty-one degrees, fifty-eight minutes, twenty seconds east, true bearing, six hundred two and thirteen one hundredths feet from a stone monument at the southwest corner of North street and North Water street in New Bedford; thence south fifteen degrees, twenty-one seconds east, true bearing, four

hundred fifty feet to point S in latitude five thousand twelve and seventy-three one hundredths feet north and longitude five thousand one hundred and forty-seven one hundredths feet west, said point S being located north seventy-seven degrees, twenty-eight minutes, twenty-one seconds east, true bearing, fifteen and forty-four one hundredths feet from Mark 14 on the southerly side of the New Bedford and Fairhaven bridge near the New Bedford end; thence south, nine degrees, thirty-seven minutes, fifty-six seconds east, true bearing, three hundred fifteen and ten one hundredths feet to point T1, in latitude four thousand seven hundred two and seven one hundredths feet north and longitude five thousand forty-seven and seventy-five one hundredths feet west, said point T1 being located north eighty degrees, twenty minutes, forty-six seconds, east, true bearing, twenty-eight and three one hundredths feet from Mark 15 near the southeasterly corner of Union street railway wharf in New Bedford; thence south forty-eight degrees, fifty-nine minutes, forty-one seconds east, true bearing, nine hundred forty-three and eighty-six one hundredths feet, to point U in latitude four thousand eighty-two and seventy-eight one hundredths feet north and longitude four thousand three hundred thirty-five and forty-seven one hundredths feet west, said point U being located south sixty-nine degrees, forty-four minutes, twenty-four seconds east, true bearing, seventy-seven and seventy-two one hundredths feet from Mark 16 near the northwesterly corner of the state pier in New Bedford; thence south fourteen degrees, three minutes, ten seconds east, true bearing, four thousand three hundred twenty-eight and two one hundredths feet to point V1 in latitude one hundred fifteen and seventy-one hundredths feet south and longitude three thousand two hundred eighty-four and fifty-three one hundredths feet west, said point V1 being located south fifty-one degree fifty-seven minutes eleven seconds west, true bearing, three thousand two hundred and ninety-seven feet from Mark 2 on the southwesterly corner of Atlas Tack Company's wharf in Fairhaven; thence north thirty-one degrees, fifty minutes, one second east, true bearing, two thousand one hundred ninety-five and twenty-eight hundredths feet to point V2 in latitude one thousand seven hundred forty-nine and thirty-seven hundredths feet north and longitude two thousand one hundred twenty-six and sixty-two hundreds feet west, said point V2 south eighty-three degrees, twenty-two minutes, fifty-six seconds west, true bearing, one thousand four hundred forty-eight and fifteen hundredths feet from Mark 2 on the southwesterly corner of Atlas Tack Company's wharf in Fairhaven; thence south twenty-eight degrees, fourteen minutes, five seconds east, true bearing, two thousand six hundred forty-seven and seventy-eight hundredths feet to point V3 in latitude five hundred eighty-three and thirty-six hundredths feet south and longitude eight hundred seventy-three and ninety-nine hundredths feet west, said point V3 being located south four degrees, fourteen minutes, nine seconds west, true bearing two thousand five hundred six and fifty-four hundredths

feet from Mark 2 on the southwesterly corner of Atlas Tack Company's wharf in Fairhaven (point V3 being the southerly end of the harbor line hereby established on the easterly side of New Bedford Harbor).

SECTION 2. This act shall take effect upon a final written determination by the department of environmental protection that the upgraded wastewater treatment facilities for the city of New Bedford will be sited at a location other than the Standard Times Field site.

Approved November 1, 1989.

Chapter 478. AN ACT AUTHORIZING THE TOWN OF BROOKFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Brookfield is hereby authorized to issue to Connie Tomanini d/b/a The Northern Pike, a license for the sale of all alcoholic beverages, not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen.

Approved November 1, 1989.

Chapter 479. AN ACT RELATIVE TO INSURANCE AGENTS COMMISSIONS ON AUTOMOBILE LIABILITY POLICIES.

Be it enacted, etc., as follows:

Section 113B of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "charges", in line 302, the following words:- including commission allowance.

Approved November 1, 1989.

Chapter 480. AN ACT ESTABLISHING A BOARD OF SELECTMEN-TOWN MANAGER FORM OF ADMINISTRATION IN THE TOWN OF WESTFORD.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Westford within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the town of Westford.

SECTION 2. This instrument may be cited and shall be known as the Westford Home Rule Charter Act.

SECTION 3. The intent and purpose of this act is to secure for the voters of the town of Westford, through the adoption of this act, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and the 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 act modify or repeal existing General Laws and special laws 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 act shall govern.

SECTION 4. The legislative powers of the town shall continue to be exercised by a town meeting open to all voters of the town.

SECTION 5. *(a)* There shall be a board of selectmen composed of five members elected for a term of three years each, so arranged that the term of as nearly equal number of members as it is possible shall expire each year.

(b) The executive powers of the town shall be vested in the board of selectmen who shall have all of the powers and duties given to boards of selectmen under the Constitution and laws of the commonwealth and such additional powers and duties as may be authorized by this act, by by-law or by other town meeting vote. Said board shall cause the laws and orders for the government of the town to be enforced and shall cause a record of its official acts to be maintained. Said board shall be the chief policy making board of the town and shall act by this issuance of policy statements and guidelines to be followed and implemented by all town agencies serving under said board.

(c) Said board shall appoint a town counsel, conservation commission board of appeals, all boards, committees, and commissions except as otherwise provided by this act, by by-law or other vote of the town meeting and such other regional authorities, districts, or committees in accordance with any applicable laws or interlocal agreement.

SECTION 6. The board of selectmen shall appoint a town manager who shall serve at the pleasure of said board. He shall be especially fitted by education,

training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of town manager shall be filled as soon as possible by said board. Pending the appointment of a town manager or the filling of any vacancy, said board shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the town manager said board may designate a qualified person to serve as acting town manager and to perform his duties during such temporary absence or disability.

SECTION 7. The town manager shall receive such compensation for services as the board of selectmen shall determine, but it shall not exceed the amount appropriated therefor by the town.

SECTION 8. The town manager shall be the chief administrative officer of the town, shall act as the agent for the board of selectmen and shall be responsible to said board for the proper operation of town affairs for which he is given responsibility under this act. Said town manager, under the policy direction of said board, shall supervise, direct and be responsible for the efficient administration of all officers appointed by him, and their respective departments and of all functions for which he is given responsibility, authority or control by this act, by by-law, by town meeting vote, or by vote of said board. Said town manager shall have the power to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of said town manager.

SECTION 9. Except as otherwise provided by this act, the town manager shall appoint, based upon merit and fitness alone, all department heads and officers, subordinates, and employees under his direct supervision; and officers, subordinates and employees for whom no other method of selection is provided in this act except employees of the school department and persons serving under officers, boards, commissions and committees elected directly by the voters of the town.

Said town manager shall appoint the cemetery commission, the water commission, the recreation commission, the Roudenbush community center committee, a town clerk, a treasurer-collector and a tree warden. Department heads appointed by said town manager may appoint ad hoc committees as is deemed necessary.

Said town manager shall be the appointing authority for the police and fire chiefs subject to the confirmation of the board of selectmen. Said town manager, after consultation with the police or fire chiefs, shall appoint all employees of the police department and the fire department, except that, said chiefs shall appoint clerical and maintenance employees under their charge.

Boards, commissions and committees shall appoint employees under their direct supervision.

Appointment of all department heads, officers, subordinates, and employees shall be subject to personnel policies, practices, or rules and regulations adopted

in accordance with section ten of this act.

SECTION 10. The personnel management powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

(a) to administer and to adopt, in consultation with the personnel board, personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the town;

(b) to fix compensation of all town employees and officers appointed by said town manager within the limits established by appropriation and any applicable compensation plan or collective bargaining agreements;

(c) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except the employees of the school department; such contracts shall be subject to the approval of the board of selectmen. Terms and conditions of employment of the library director, assistant library director and assistant assessors shall remain with the library trustees and the board of assessors respectively. Said town manager may, subject to the approval of said board of selectmen, employ special counsel to assist in the performance of these duties.

SECTION 11. The financial management powers, duties and responsibilities of the town manager shall include but not be limited to the following:-

(a) to prepare and submit, after consultation with all town departments an annual operating budget and capital improvements program for all town departments;

(b) 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;

(c) to approve warrants for payments of town funds prepared by the town accountant;

(d) to be responsible for the purchase of all supplies, materials, and equipment, except for the school department and for books and other media material for libraries. Said town manager shall approve the award of all contracts for all town departments, with the exception of the school department, library and assessors' office, subject to the approval of the board of selectmen;

(e) to keep said board of selectmen and finance committee fully informed as to the financial condition of the town and in consultation with the finance committee to make recommendations to said board and to other elected and appointed officials as deemed necessary or expedient;

(f) to prepare, annually, a five year financial forecast of town revenue, expenditures and the general financial condition of the town. Said plan shall be submitted to said board of selectmen, the finance committee, the board of assessors

and the school committee and shall be available to the public.

SECTION 12. The administrative powers, duties and responsibilities of the town manager shall include but not be limited to the following:-

(a) to attend all regular and special meetings of the board of selectmen, unless excused;

(b) to attend all sessions of the town meeting and to answer all questions addressed to him which are related to the warrant articles, and to matters under his general supervision;

(c) to administer either directly or through a person or persons supervised by him, in accordance with this act, provisions of general or special laws, by-laws and other votes of the town meeting;

(d) to investigate or inquire into the affairs of any town department or office under his supervision;

(e) to coordinate activities of town departments under his and the board of selectmen's direction with the activities of departments under the control of officers, boards or commissions elected by the voters;

(f) to keep said board of selectmen fully informed as to the needs of the town requiring action by them or by the town, as he deems necessary or expedient;

(g) to be responsible for the efficient use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee and the library trustees;

(h) to develop and maintain a full and complete inventory of all town owned real and personal property;

(i) to perform such other duties as necessary or as may be assigned by this act, by-law, town meeting vote, or vote of said board of selectmen.

SECTION 13. The annual budget shall be developed by the town manager under the overall policy direction of the board of selectmen.

SECTION 14. The board of selectmen shall provide for a periodic audit of the books and accounts of the town to be made by a certified public accountant, or firm of accountants, who have no personal interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

SECTION 15. Subject only to an express prohibition of a general or special law, the town manager, with the approval of the board of selectmen, may reorganize, consolidate or abolish, create, merge, or divide, alter the term of office, the manner of selection, or, if a board, commission or committee, the number of members, in whole or in part, of any town department, office, board, commission, committee or function under the jurisdiction of the town manager. With the approval of the board of selectmen, the town manager may establish new departments, offices, boards, commissions and committees and may prescribe the functions, powers, duties and responsibilities of any such new departments, offices, boards, commissions and committees.

SECTION 16. The voters of the town of Westford shall, in accordance with any

applicable laws, by-laws, votes of the town, or interlocal agreement continue to elect the following: board of selectmen, planning board, moderator, housing authority, school committee, board of assessors, library trustees and the board of health.

Other such regional authorities, districts, or committees as may be established by law or interlocal agreement.

SECTION 17. *(a)* Upon the effective date of this act the incumbents serving as town clerk and treasurer-collector shall be appointed in accordance with section nine of this act for the balance of the terms for which they were elected. Upon the effective date of this act the incumbents serving in the office of town clerk and treasurer-collector shall be subject to provisions of the town's personnel by-law and shall be granted all benefits provided by said by-law. The incumbents shall be granted sick leave, vacation leave or other such leaves based upon the number of years said incumbents have served in an elective office and as an employee of the town of Westford.

(b) The incumbents serving as members of the cemetery commission shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the town manager in accordance with said section nine.

(c) The incumbent serving in the office of tree warden shall continue to serve in the office for the balance of the term for which said person was elected. Upon the expiration of said term of office or if a vacancy shall sooner occur, the office of tree warden shall be appointed by the town manager in accordance with said section nine.

(d) The incumbents serving as members of the water commission shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the town manager in accordance with said section nine.

SECTION 18. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Westford on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act shall continue to be in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively. All other laws, by-laws, votes, rules and regulations so far as they refer to the town of Westford, are hereby suspended but such suspension shall not revive any pre-existing enactment. Nothing contained herein shall impair contractual rights established prior to the adoption of this act or any amendment hereto.

SECTION 19. Any person 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 act for the

performance of said duties by another person or agency. No person in the permanent full time service or employment of the town shall forfeit pay grade for time in service.

SECTION 20. The provisions of this act shall take effect upon its acceptance by the voters of the town at the next annual election.

Approved November 1, 1989.

Chapter 481. AN ACT AUTHORIZING CREDIT UNIONS TO MAKE CERTAIN CONTRIBUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 29 of section 2 of chapter 167F of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second sentence.

SECTION 2. The second paragraph of section 21 of chapter 171 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(x) A credit union may contribute such sum or sums of money as its board of directors may determine to be reasonable (a) to any private nonprofit organization organized for the purpose of improving the social and economic conditions in the community where such credit union is established, including any educational institution, and to any educational institution located outside that community for the purpose of providing scholarships for the benefit of residents of that community; or (b) to any fund being raised by a committee or agency for the purpose of relieving suffering or distress resulting from disaster or other calamity occurring in any part of the commonwealth.

SECTION 3. Said chapter 171 is hereby further amended by inserting after section 21C, as so appearing, the following section:-

Section 21D. A credit union may, by vote of its board of directors, obtain membership in certain organizations, and may make contributions and subscribe for services, subject to the conditions and requirements of this section.

(1) A credit union may become a member of any association organized to protect and promote the interests of credit unions, and may pay for such membership its proportionate share of expenses as is reasonable and necessary.

(2) A credit union may become a member of or contribute to any other association or organization in the commonwealth if, in the opinion of its board of directors, such membership or contribution is reasonable and of substantial benefit to such credit union and its members.

(3) For the purpose of promoting, protecting or conserving the assets of credit unions, a credit union may subscribe for services, including advertising and professional services, rendered or to be rendered collectively through an

association referred to in paragraph (1) or through any group of credit union institutions; and in each such case, the credit union, with the approval of its board of directors, may pay for such services its proportionate share of the total cost thereof or such other amount as the said board shall deem reasonable and proper.

Approved November 1, 1989.

Chapter 482. **AN ACT RELATIVE TO THE AUTHORITY OF THE ADMINISTRATIVE JUSTICE OF THE BOSTON MUNICIPAL COURT DEPARTMENT.**

Be it enacted, etc., as follows:

Section 50 of chapter 218 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The administrative justice of the department, subject to the approval of the chief administrative justice and the supreme judicial court, may make, from time to time, rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

Approved November 2, 1989.

Chapter 483. **AN ACT FURTHER REGULATING THE RIGHT OF CERTAIN PUBLIC EMPLOYEES TO BE REPRESENTED BY LEGAL COUNSEL.**

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of paragraph (b) of subdivision (3) of section 6 of chapter 32 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the panel fails to meet within sixty days after appointment by the commissioner to conduct their examination, or at any earlier time upon the request of the applicant, the commissioner shall require the three physicians to meet separately to conduct such examinations and the employer's physician and legal counsel and the member's physician and legal counsel shall have the opportunity to attend each such examination.

SECTION 2. Said second paragraph of said paragraph (b) of said subdivision (3) of said section 6 of said chapter 32, as so appearing, is hereby further amended by adding the following sentence:- At the discretion of the member and his legal counsel and the employer and his legal counsel, said legal counsels may be present

during the decision making process of the panel; provided, however, that neither counsel shall have a vote in the final determination of such panel.

SECTION 3. Said paragraph (b) of said subdivision (3) of said section 6 of said chapter 32, as so appearing, is hereby further amended by adding the following paragraph:-

No member shall be required to undergo any examination, re-examination or hearing unless he has received prior notification, in writing, of his right, if any, to be represented by his legal counsel and by his physician at such examination, re-examination or hearing. Such notification shall be made on a form prescribed by the commissioner.

Approved November 2, 1989.

Chapter 484. AN ACT FURTHER REGULATING TRAFFIC VIOLATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 20 of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 74, the word "year" and inserting in place thereof the following words:- twelve month period.

SECTION 2. Said section 20 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "eighteen", in line 75, the following words:- said violation having occurred in the same year.

Approved November 3, 1989.

Chapter 485. AN ACT AUTHORIZING THE CITY OF BOSTON TO PROVIDE A CERTAIN PENSION FOR ERMES CAMETTI.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good and notwithstanding any general or special law to the contrary, an annual pension shall be paid by the State-Boston Retirement System in monthly installments to Ermes Cametti, who is totally and permanently incapacitated as a result of injuries sustained by him in the course of and while in the performance of his duty as a patrolman in the police department of the city of Boston, on July twenty-first, nineteen hundred and eighty-five. Said pension shall at all times be equal to the annual rate of regular compensation which would have been payable to him by said city had he continued in service in the grade held by him at the time of his retirement. Upon said Ermes Cametti's death, his wife Norma, should she survive him, shall be paid in monthly

installments an annual benefit equal to three-quarters of the amount of the annual pension that would have been payable to said Ermes Cametti had he continued to live.

SECTION 2. On the effective date of this act, all amounts standing to the credit of Ermes Cametti in the annuity savings fund of the State-Boston Retirement System shall be paid to him.

SECTION 3. On the effective date of this act, the superannuation retirement allowance being paid to Ermes Cametti by the State-Boston Retirement System under the provisions of section five of chapter thirty-two of the General Laws, effective October thirty-first, nineteen hundred and eighty-seven, shall be terminated.

SECTION 4. On the effective date of this act, the amount of the difference between the superannuation retirement allowance paid to Ermes Cametti and the amount that would have been paid to him under the provisions of this act had it been effective October thirty-first, nineteen hundred and eighty-seven, shall be paid to him.

SECTION 5. Notwithstanding the eligibility provisions of section one hundred B of chapter forty-one of the General Laws to the contrary, on the effective date of this act, said section shall apply to Ermes Cametti relative to his indemnification by the city of Boston for any reasonable hospital, medical and related expenses incurred by him on or after the effective date of this act as a result of the above mentioned disability. Said section one hundred B, notwithstanding any provision therein to the contrary, shall also apply to said hospital, medical and related expenses incurred by Ermes Cametti from October thirty-first, nineteen hundred and eighty-seven, until the effective date of this act, provided that bills for said expenses are presented for indemnification within six months of the effective date of this act.

SECTION 6. The pension awarded under this act shall be construed for purposes of determining income tax liability, as if it were awarded under section seven of chapter thirty-two of the General Laws.

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

Approved November 7, 1989.

Chapter 486. **AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE SPECIAL TOWN MEETING OF THE TOWN OF ROCKLAND.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to

the contrary, all acts and proceedings of the town of Rockland at its special town meeting held on December thirteenth, 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 special town meeting had been published and posted as required by law.

SECTION 2. The vote taken by the town of Rockland on question 8 at the biennial state election held on November eighth, nineteen hundred and eighty-eight, to exempt certain bonds from the limitations of proposition two and one-half, so-called, is hereby ratified, validated and confirmed, notwithstanding any defect or omission in the notice or calling of the election.

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

Approved November 7, 1989.

Chapter 487. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF BELLINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Bellingham with more than six months remaining in the term of office may be recalled therefrom by the qualified voters of said town in the manner provided for herein.

SECTION 2. Two hundred or more voters may file with the town clerk, an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. At least forty names of voters shall be from each of the five precincts into which the town is divided. The town clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which the town clerk shall keep available. The blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto. They shall be dated; shall be addressed to the board of selectmen; shall contain the names of all persons to whom they are issued; the name of the person whose recall is sought; the grounds for recall as stated in the affidavit; and shall demand the election of a successor to said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be returned and filed with the town clerk within twenty days following the date of the filing of the affidavit, signed by at least fifteen percent of the voters and containing their names and addresses; provided, however, that not more than twenty-five percent of the total number shall be from any one precinct. The town clerk shall, within twenty-four hours of receipt, submit the petitions to the registrars of voters who shall forthwith certify thereon, the number of signatures that are names of voters.

SECTION 3. If the petition shall be certified by the registrars of voters to be

sufficient, the town clerk shall forthwith submit the same with the town clerk's certificate to the board of selectmen. Upon its receipt of the certificate the board of selectmen shall forthwith give written notice of such petition and certificate to the officer, whose recall is sought. If said officer does not resign his office within five days after delivery of such notice the board of selectmen shall order an election to be held not less than sixty nor more than ninety days after the date of the town clerk's certificate of sufficient petition. If however any other town election is to occur within one hundred days after the date of the certificate, the board of selectmen shall hold the recall election on 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, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted.

SECTION 4. Any officer whose recall is sought may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. Ballots used in a recall election shall state the following propositions in the order indicated:

FOR THE RECALL OF (Name of Officer)

AGAINST THE RECALL OF (Name of Officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word "candidate" and the names of candidates nominated as required in section forty-two of chapter fifty-four of the General Laws. 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, except as provided in section three.

SECTION 6. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided herein. If he is recalled in the 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 7. No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

SECTION 8. This act shall take effect upon its passage.

Approved November 7, 1989.

Chapter 488. AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. *Purpose and Findings* - The city of Medford is undergoing a period of substantial growth in new, expanded, enlarged and rehabilitated residential, commercial and industrial structures. This growth has resulted in numerous direct and indirect impacts on the city and its ability to adequately address those impacts due to the influx of people that move to Medford to live and work in these new developments. The city has experienced development related impacts requiring capital improvements to school facilities attended by children of new residents; accelerated deterioration in the level of service of its streets and roadways; increased stress on city facilities and infrastructures such as water and sewer lines; increased need for capital improvements to its parks, playgrounds and other recreational facilities and the need for providing affordable housing for its residents. Development related impacts must be paid for by fair share exactions from developers so that the city can provide adequate services and infrastructure to support future development.

SECTION 2. *Establishment of a Linkage Exaction Ordinance* - (A) The city council of the city of Medford may, by ordinance, require the payment of a linkage exaction as a condition of approval of a development impact project plan, as defined by the ordinance, for any future development within the jurisdiction of this act. The linkage exaction shall only be imposed on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-residential and residential projects that require some form of zoning relief or exceed a threshold which shall be established by the city council. The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

(B) The linkage exaction ordinance may be enacted if the following criteria are met:

(1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, and office, commercial and industrial structures and their impact on the following services including, but not limited to, school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety facilities, and parks, playgrounds and other recreational facilities.

(2) The city shall develop and prepare a study that evaluates existing capital improvement plans for public facilities. The study shall analyze potential build-out in the city, the impacts of future development and the need for public facility improvements as a result of future development. Any exaction which may be established pursuant with this act shall be set in accordance with the methodology set forth in the study.

(3) The exaction shall be established on the basis of the cost projections in the capital improvement plans and study as described in clause (2) of subsection B of section two and the expected level of allowed development pursuant to the city's zoning ordinance, as it may be amended.

(4) The city shall have the authority to create distinct and separate revolving trust accounts for each linkage ordinance enacted by the city for the services delineated in clause (1) of subsection B of section two for necessary improvements resulting from future development. No exaction shall be paid to the city's general treasury or used as general revenues subject to the provisions of section fifty-three of chapter forty-four of the General Laws.

(5) The level of any exaction shall be reviewed at least every three years and reset as required based upon the recommendation of the office of community development and the mayor of said city.

(6) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assigns, be returned to such landowner with interest from the fee's deposit in an interest bearing account, provided that the applicant or his assigns submits an application for a refund to the office of community development within one hundred and eighty days of the expiration of the six year period.

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

Approved November 7, 1989.

Chapter 489. AN ACT AUTHORIZING THE TOWN OF DIGHTON TO RAISE CERTAIN DEFICITS OVER A PERIOD OF YEARS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Dighton is hereby authorized to carry its overlay deficit and appropriation deficit, as it existed as of June thirtieth, nineteen hundred and eighty-nine, and to raise said overlay deficit and appropriation deficit on the following ratio: one-third of said deficits in fiscal nineteen hundred and ninety, one-third of said deficits in fiscal nineteen hundred and ninety-one, and the remaining of said deficits in fiscal nineteen hundred and ninety-two.

SECTION 2. Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws, the town of Dighton is authorized to appropriate the balance of the proceeds of debt issued for the sewerage collections system project to provide for the deficits referred to in section one, in fiscal year nineteen hundred and ninety-one or thereafter.

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

Approved November 7, 1989.

Chapter 490. AN ACT RELATIVE TO THE CRIME OF BREAKING AND ENTERING A MOTOR VEHICLE.

Be it enacted, etc., as follows:

Section 18 of chapter 266 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "ship", in line 3, the words:- or motor vehicle.

Approved November 7, 1989.

Chapter 491. AN ACT RELATING TO THE APPOINTMENT OF ELECTION OFFICERS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Section 11B of chapter 54 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If, upon the expiration of fifteen days after notice given in writing prior to June fifteenth, in any year by the mayor or other appointing authority to the chairman of any political committee by whom lists are to be filed hereunder, and to the chairman of the state committee of such political party, neither the state nor city chairman shall have filed original or supplemental lists, the mayor or other appointing authority may appoint as election officers registered voters of the city recommended by the city clerk or election commission, who, in the opinion of the mayor or other appointing authority, are qualified to act as such.

SECTION 2. Section 12 of said chapter 54, as so appearing, is hereby amended by striking out the second, third, and fourth paragraphs, and inserting in place thereof the following three paragraphs:-

The chairman of the town committee of each political party may, not later than June first in each year, file with the registrars a list of enrolled members of such party who desire appointment as election officers. The selectmen shall, not later than

April fifteenth of each year, make written notification to the chairman of record of the town committee of each political party that said list must be submitted no later than June first of the same year. Upon the filing of such lists the registrars shall forthwith proceed to the consideration thereof, and shall, on or before June thirtieth submit to the selectmen the names of persons whose names appear on the lists who in their opinion are qualified to act as election officers. The lists submitted by town committees shall contain not more than eight names for each office to be filled. Supplemental lists may be filed with the selectmen and registrars by the said chairman at any time before the appointments are made, for the purpose of filling vacancies which may occur in the original lists. No person shall be appointed as an election officer until he is found qualified to act as such as herein provided. Appointments shall be made from the original list before any names are taken from any supplemental list. All persons listed on the original list who have not been appointed as election officers shall be notified by certified mail of the appointment of a person listed on the supplemental list at least five days prior to such appointment.

If, upon the expiration of fifteen days after notice given in writing prior to June fifteenth in any year by the selectmen to the chairman of any political committee who has not filed original or supplemental lists, and to the chairman of the state committee of such political party, neither the state nor town chairman shall have filed such lists, the selectmen may appoint as election officers registered voters of the town and recommended by the town clerk, who in the opinion of the selectmen, are qualified to act as such.

The registrars may, if they deem it necessary, conduct examinations of persons whose names appear on the lists filed hereunder. Five days' notice shall be given of any such examination. The chairman of each town committee may appear and be heard either in person or by counsel, during the conduct of such examinations.

SECTION 3. Section 13 of said chapter 54, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- The preceding party representation requirements of this section apply only if the chairman of the city or town committee of each political party or the chairman of the state committee of such party files with the registrars lists of enrolled members of the party who desire appointment as election officers in accordance with the provisions of sections eleven B and twelve.

SECTION 4. Section 14 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If there is a vacancy in the number of election officers, or if an election officer declines his appointment and gives notice thereof to the city or town clerk within ten days following the date of his appointment, the mayor or the selectmen shall, except as provided in section sixteen, fill the vacancy; and, if the party

representation requirements of section thirteen apply, the appointment shall be so made as to preserve the equal representation of the two leading political parties.

Approved November 7, 1989.

Chapter 492. AN ACT FURTHER REGULATING THE COST OF WATER AND SEWER SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40 of the General Laws is hereby amended by inserting after section 39J the following section:-

Section 39J 1/2. No local body shall charge for water or sewer services on a descending unit rate basis. For the purposes of this section a local body shall be a city, town, district, commission or other political subdivision or instrumentality of the commonwealth responsible for providing by itself or through an officer, board, department or division thereof local water supply or local sewer services; except as otherwise expressly provided herein, in any case where local water supply or local sewer services within the territorial boundaries of a local body are provided in whole or in part by a political subdivision or public instrumentality of the commonwealth separate from such local body, the term "local body" as used in this section shall mean, within the service area thereof, that political subdivision or public instrumentality.

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

Approved November 7, 1989.

Chapter 493. AN ACT GOVERNING THE MAINTENANCE OF LOCKUPS.

Be it enacted, etc., as follows:

Section 34 of chapter 40 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

For the purposes of this section, the word "maintain" shall include the provision of any prescribed medication and nutritionally adequate meals to a person committed to such lockup. Compliance with this section shall be enforced pursuant to section twenty-one of chapter one hundred and eleven.

Approved November 7, 1989.

Chapter 494. AN ACT FURTHER REGULATING EXEMPTIONS FOR ALTERATIONS OR IMPROVEMENTS TO CERTAIN RESIDENTIAL PROPERTY.

Be it enacted, etc., as follows:

Section 5 of chapter 59 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause Fiftieth and inserting in place thereof the following clause:-

Fiftieth, the increased value of residential real property as a result of alterations or improvements thereto, not to exceed five hundred dollars of taxes due; provided, however, that said alterations or improvements are made to provide housing for a person who is at least sixty years old and who is not the owner of the premises; provided further, that any such alterations or improvements must be made to a house, consisting of no more than three units prior to such alterations or improvements and which is owned and occupied by the applicant as his domicile; and provided, further, that the applicant shall annually furnish to the assessors a statement under oath that the alterations or improvements were made to provide housing for a person who is at least sixty years old. This exemption shall terminate when the premises are no longer occupied by any such elderly person. No person shall receive more than one exemption under the provisions of this clause in any fiscal year. This clause shall take effect upon its acceptance by any city or town and shall apply only to alterations or improvements made on or after the date of such acceptance by such city or town.

Approved November 7, 1989.

Chapter 495. AN ACT FURTHER REGULATING HOME IMPROVEMENT LOANS.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (D) of section 24 of chapter 171 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Loans made under this paragraph may be secured by a first or subordinate mortgage on the real estate to be improved.

SECTION 2. The provisions of section one shall apply to loans made on or after the effective date of this act.

Approved November 7, 1989.

Chapter 496. AN ACT RELATIVE T0 PROPERTY TAX APPEALS.

Be it enacted, etc., as follows:

Section 7A of chapter 58A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 42, the word "ten" and inserting in place thereof the following word:- thirty.

Approved November 7, 1989.

Chapter 497. AN ACT FURTHER REGULATING CERTAIN CAUSES OF ACTIONS AGAINST FARMING OPERATIONS.

Be it enacted, etc., as follows:

Chapter 243 of the General Laws is hereby amended by adding the following section:-

Section 6. No action in nuisance may be maintained against any person or entity resulting from the operation of a farm or any ancillary or related activities thereof, if said operation is an ordinary aspect of said farming operation or ancillary or related activity; provided, however, that said farm shall have been in operation for more than one year. This section shall not apply if the nuisance is determined to exist as the result of negligent conduct or actions inconsistent with generally accepted agricultural practices. For the purposes of this section, "agriculture" and "farming" shall be as defined in section one A of chapter one hundred and twenty-eight.

Approved November 7, 1989.

Chapter 498. AN ACT RELATIVE TO THE GRANTING OF BILLIARD LICENSES IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one hundred and seventy-seven of chapter one hundred and forty of the General Laws or any other general or special law to the contrary, the licensing commission of the city of Revere is hereby authorized to grant a license for the keeping of billiard, pool or sippio tables or rooms in the city of Revere pursuant to the provisions of said section one hundred and seventy-seven of said chapter one hundred and forty.

Approved November 7, 1989.

Chapter 499. AN ACT RELATIVE TO THE POWERS, DUTIES AND FUNCTIONS OF THE NEWTON HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 705 of the acts of 1975 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. All salaried employees, appointed by, through, or under any community development authority or board which has been abolished by this act are hereby transferred to and made employees of the department of planning and development except employees of the housing authority of the city whose employment is governed in accordance with section eleven B.

SECTION 2. Section 5 of said chapter 705 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The director as sole member of the community development authority shall not receive additional compensation and the community development authority need not elect officers. So far as practical, the community development authority shall make use of the services of the department for staff and administrative functions and the department may charge the community development authority for such services an amount agreed to by the department and the community development authority with the approval of the mayor. The community development authority shall have and exercise independent authority to develop housing programs for families, elderly, and handicapped residents, which programs shall be limited to projects involving public and private ventures, housing for moderate income families, congregate housing for the elderly, and community residences for the handicapped. Nothing in this section shall be construed as to prevent the housing authority from undertaking similar projects. If both the community development authority and the housing authority desire to develop the same project, the housing authority shall be given first preference.

SECTION 3. Section 10 of said chapter 705 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

It is hereby declared to be the legislative intent that all rights and powers, given to redevelopment authorities under the provisions of any laws which do not conflict with specific provisions of this act, shall be given to the community development authority of the city.

SECTION 4. Section 11 of said chapter 705 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as provided in sections eleven C to eleven E, inclusive, all other contractual obligations and rights of the housing authority of the city and all real property, furniture, fixtures, supplies and equipment of the housing authority shall remain

assigned, transferred and delivered to the community development authority of the city and all indebtedness of the housing authority unrelated to its functions as established herein shall be assumed by the community development authority of the city.

SECTION 5. Section 11A of said chapter 705, as appearing in section 6 of chapter 479 of the acts of 1982, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be established a Newton Housing Authority called the housing authority capable of executing all powers and functions of a housing authority under chapter one hundred and twenty-one B of the General Laws.

SECTION 6. Said chapter 705 is hereby further amended by striking out sections 11C and 11D and inserting in place thereof the following five sections:-

Section 11C. The housing authority shall assume all powers, duties and functions of a housing authority under chapter one hundred and twenty-one B of the General Laws. In addition to such powers the housing authority shall administer and implement the provisions of Section 30-24(d) (5) of the zoning ordinance of the city of Newton or any successor ordinance from the time of final vote of the Newton board of aldermen of the city approving the special permit.

Section 11D. All contractual obligations of the department shall be assumed by the housing authority. All real property, furniture relating to programs and projects, fixtures and supplies and equipment for use at programs and projects which are in the possession of or at the disposal of the said community development authority at the time this act takes effect, shall be transferred to the housing authority. All projects currently being developed and to be developed by the community development authority shall be owned by the housing authority.

Section 11E. The housing authority may, in its discretion, utilize the department for site selection and acquisition, site engineering, land use and zoning analysis, permitting, funding assistance, financial analysis, design and architect selection and development of specifications and working drawings. The housing authority shall exercise independent authority to oversee and manage all phases of construction of housing programs developed by the community development authority from the date of construction contract award, subject to its powers and authority under chapter one hundred and twenty-one B of the General Laws.

Section 11F. The housing authority and the community development authority shall participate jointly in final design and architect selection for projects of the community development authority. In the event either the housing authority or the community development authority declines in writing to pursue development of a housing program for which it has primary responsibility, the other may upon timely notice to the executive director of the housing authority and the chairman of the community development authority by certified mail, elect to develop that program.

Section 11G. The housing authority and the community development authority by agreement, or the board of aldermen by ordinance, may establish appropriate mechanisms including but not limited to a housing coordinating council, to coordinate applications for and distribution of housing development funds and to resolve any disputes between the authorities concerning any matters within their respective housing development programs.

Approved November 7, 1989.

Chapter 500. AN ACT DESIGNATING A CERTAIN TRAFFIC ISLAND IN THE CITY OF FALL RIVER AS THE FRED LANOSA SQUARE.

Be it enacted, etc., as follows:

The bridge pier standing under state highway, Route 79 located on the Broadway extension in the city of Fall River shall be designated and known as the Fred Lanosa Square, in honor of Fred Lanosa in recognition of more than thirty years of devoted service to the community. The department of public works shall erect a suitable marker bearing said designation in compliance with the standards of said department.

Approved November 7, 1989.

Chapter 501. AN ACT AUTHORIZING THE GLOVER MEMORIAL HOSPITAL OF THE TOWN OF NEEDHAM TO ENTER INTO COOPERATIVE AGREEMENTS WITH PRIVATE ENTITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and nineteen of the acts of nineteen hundred and eighty-nine is hereby repealed.

SECTION 2. The board of trustees of the Glover Memorial hospital with the approval of the board of selectmen of the town of Needham, may enter into agreements on behalf of the town and said hospital with any individual, private corporation, partnership or other entity to provide, jointly, medical services within the town or any adjacent municipality, or to engage in any activity or undertaking necessary or incidental thereto. Any such agreement may be for such period, not to exceed five years, as may be determined by the board of trustees with the approval of the board of selectmen. No such agreement shall provide for any subsidy or obligation for the payment of any money by the town thereunder to any

person except for payments representing fair consideration for services rendered by, or goods received from, such person.

SECTION 3. No agreement shall be executed under the provisions of this act unless the chief executive officer or administrator of the hospital shall have issued a request for proposals in accordance with the provisions of this section. Prior to issuing such request, the hospital administrator shall undertake such studies as are necessary to determine the economic feasibility of the terms and conditions, including selection criteria, to be set forth in the request, and shall prepare a written analysis of the anticipated benefits and costs to the hospital and the town of the proposed joint provision of medical services or other such activities, as compared with other alternative means of providing such medical services or other such activities. Not less than two weeks before soliciting proposals, the hospital administrator shall submit to the board of selectmen and the board of trustees the request for proposals and all studies and written analysis relating thereto. The request for proposals shall include:

(1) all criteria that will be utilized for the evaluation of proposals, together with a statement that such evaluation shall be based solely on said criteria;

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

(3) a statement of those terms and conditions which shall not be subject to negotiation;

(4) a statement that any agreement may incorporate by reference the proposal of the selected person; and

(5) a statement that any agreement shall include a provision for remedies on behalf of the town and the hospital in the event the selected person defaults on any of its terms.

Notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified for the receipt of proposals, in a newspaper of general circulation in the town. Such notice shall be posted for at least two weeks on the principal official bulletin board of the town and in a conspicuous place at the hospital until the time specified for receipt of proposals. Said notice shall provide a general description of the services desired and shall indicate where, when and for how long requests for proposal may be obtained.

Taking into consideration the financial terms of the proposals and the evaluations based on the criteria set forth in the request for proposals, the hospital administrator, with the approval of the board of selectmen and the board of trustees, shall determine the most advantageous proposal. He may negotiate revisions in the proposal selected. He may reject any and all proposals if he determines that rejection is in the best interests of the town and the hospital.

If the hospital administrator selects a proposal which did not offer the lowest

cost to the hospital, he shall state in writing the justification for such decision. The hospital administrator shall maintain a written record of evaluations and negotiations undertaken pursuant to this act, and shall retain such record with the proposals.

SECTION 4. If the financial interest or commitment of the town and the hospital under an agreement authorized under this act is equal to or greater than that of the other parties, in the aggregate, all applicable laws and by-laws relating to procurement of supplies, services or real property, or the disposal of supplies or real property, shall apply to any such procurement or disposal. If the financial interest or commitment of the town and the hospital is less than that of the other parties, in the aggregate, such laws and by-laws shall be applicable to the extent such procurement or disposal is undertaken by or for the town or the hospital.

SECTION 5. No agreement shall be executed under the provisions of this act until a statement, signed under the penalties of perjury, has been filed with the town clerk by each other party to the agreement, giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said agreement. The provisions of this section shall not apply to any stockholder of the corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten percent of the outstanding stock entitled to vote at the annual meeting of such corporation.

SECTION 6. This act shall take effect upon its acceptance by the town of Needham.

Approved November 7, 1989.

Chapter 502. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF LIBRARY TRUSTEES IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 503 of the acts of 1952 is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The town manager, subject to the approval of the board of selectmen, shall appoint a board of library trustees to consist of seven suitably qualified persons. One of said persons shall be appointed for a term of one year, two for a term of two years, and four for a term of three years; and annually thereafter there shall be appointed by the town manager, subject to the approval of the board of selectmen, a member for a term of three years in the place of the member whose term is to expire.

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

Approved November 10, 1989.

Chapter 503. **AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY TO PROVIDE FOR SUPPLEMENTING THE GENERAL APPROPRIATION ACT AND FOR CERTAIN ACTIVITIES AND PROJECTS.**

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing the general appropriation act and for certain activities and projects, the sums set forth in sections two and three for the several purposes and subject to the conditions specified therein, the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, are hereby appropriated from the General Fund unless specifically designated otherwise in the items, for the fiscal year ending June thirtieth, nineteen hundred and ninety or for such period as may be specified, the sums so appropriated to be in addition, unless otherwise specified, to any amounts available for the purpose.

SECTION 2.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.
Department of Public Works.

Item
6030-7201 For the expenses of snow and ice control, including the cost of sand, salt and other control chemicals; provided, however, that a detailed report on district cost comparisons for fiscal year nineteen hundred and ninety expenditures be filed with the house and senate committees on ways and means on or before May first, nineteen hundred and ninety; and provided, further, that any surplus after May first, nineteen hundred and ninety may be expended for bridge and highway maintenance and repairs in said districts $23,500,000

Highway Fund 100.0%

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the division of public employee retirement administration is hereby authorized and directed to expend from item 1108-6200 of section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine an amount not to exceed six hundred and fifty thousand dollars

for the payment of medical expenses for police recruits of Class 12 of the Western Massachusetts Law Enforcement Academy in the city known as the town of Agawam incurred as a result of injuries sustained while training at said academy. Said commissioner shall not make any such payment until documentation, in a form as he may prescribe, has been submitted regarding any claim for such payment.

SECTION 4. The commissioner of the division of public employee retirement administration shall make payments to an individual or municipality pursuant to section three only to the extent that the medical expenses (1) exceed self insurance reserves of a municipality; provided, however, that said commissioner shall consult with the commissioner of revenue to determine the availability of funds in a municipality's self insurance reserve or (2) are not covered under a policy of health insurance or workers' compensation insurance. No payment shall be made on behalf of said police recruits until said police recruit or municipality has assigned all applicable subrogation rights to the commonwealth.

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

Approved November 10, 1989.

Chapter 504. **AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL AND SPECIAL TOWN MEETINGS IN THE TOWN OF WILLIAMSTOWN FROM NINETEEN HUNDRED AND EIGHTY-TWO TO NINETEEN HUNDRED AND EIGHTY-NINE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Williamstown at its annual and special town meetings from May, nineteen hundred and eighty-two through May twenty-fourth, nineteen hundred and eighty-nine, and all actions taken pursuant thereto, are hereby ratified, confirmed and validated to the same extent as if the warrant for such meetings had been published as required by law.

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

Approved November 10, 1989.

Chapter 505. **AN ACT FURTHER REGULATING THE RATES OF PILOTAGE FOR THE PORT OF BOSTON.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 103 of the General Laws is hereby amended by striking out section 31, as most recently amended by section 2 of chapter 132 of the acts of 1987, and inserting in place thereof the following section:-

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

For vessels 3500 Gross Tons or under	$32.00 per ft.
For vessels over 3500 to 7000 Gross Tons	$34.00 per ft.
For vessels over 7000 to 15000 Gross Tons	$38.00 per ft.
For vessels over 15000 to 25000 Gross Tons	$40.00 per ft.
For vessels over 25000 to 35000 Gross Tons	$41.00 per ft.
For vessels over 35000 to 45000 Gross Tons	$42.00 per ft.
For vessels over 45000 Gross Tons	$45.00 per ft.

The following charges shall be made for anchoring vessels:

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

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

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

The following charges shall be made for shifting vessels:

(1) Between docks in Boston, one hundred dollars.

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

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

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

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

(6) Between Boston and Quincy, full pilotage.

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

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

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

(10) Shifting a ship in anchorage number two, one hundred and fifty dollars.

Other charges shall be:

(1) For detention of a pilot on board a vessel, there shall be a one hour free period, followed by a fifty dollar charge for the second hour or any portion thereof; for each additional hour or portion thereof there shall be a charge of twenty-five dollars. Detention time shall begin at the ordered sailing time:

(2) Cancellation rate - fifty dollars.

(3) Compass adjusting - fifty dollars.

(4) Calibration rate - fifty dollars.

(5) When a pilot is ordered and dispatched for an arriving vessel and his services are not employed, the vessel shall pay a charge of one hundred dollars.

(6) A pilot shall be considered ordered unless notified: one hour before sailing time in Boston; two hours before sailing time in Quincy, anchorage number two or number five.

(7) No charge shall be made for any vessel detained because of fog or stress of weather.

(8) Pilot carried away, the vessel shall pay his return expenses plus one hundred dollars per day.

(9) Notifying a vessel of his diversion orders, a charge of one hundred dollars may be levied plus any regular charges.

(10) Assisting the Master in docking or undocking, a charge of one hundred dollars.

(11) All inbound vessels shall notify the pilot office eight hours before arrival time if that time varies more than two hours from their latest estimated time of arrival report.

(12) A fifty dollar surcharge shall be made on each full pilotage charge for the cost of a suitable replacement vessel for the Boston pilot when it is deemed advisable by a condition survey of said vessel. This escrow fund will be overseen by the Massachusetts state pilot commissioners office and shall be used in addition to proceeds realized from the sale of a present pilot vessel. An audited statement of the fund will be made available to industry representatives on a quarterly basis.

SECTION 2. Said section 31 of said chapter 103, as most recently amended by section 1 of this act, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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

For vessels 3500 Gross Tons or under	$33.00 per ft.
For vessels over 3500 to 7000 Gross Tons	$36.00 per ft.
For vessels over 7000 to 15000 Gross Tons	$40.00 per ft.
For vessels over 15000 to 25000 Gross Tons	$42.00 per ft.
For vessels over 25000 to 35000 Gross Tons	$43.00 per ft.
For vessels over 35000 to 45000 Gross Tons	$44.00 per ft.
For vessels over 45000 Gross Tons	$47.00 per ft.

SECTION 3. Section one of this act shall take effect upon its passage. Section two shall take effect on June first, nineteen hundred and ninety.

Approved November 13, 1989.

Chapter 506. **AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF FORMER PRISONER OF WAR RECOGNITION DAY.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12 OO, inserted by chapter 285 of the acts of 1989, the following section:-

Section 12PP. The governor shall annually issue a proclamation setting apart April ninth as Former Prisoner of War Recognition Day and recommending that such day be observed in an appropriate manner by the people.

Approved November 14, 1989.

Chapter 507. **AN ACT RELATIVE TO THE MEMBERSHIP OF THE ARCHITECTURAL ACCESS BOARD.**

Be it enacted, etc., as follows:

The first paragraph of section 13A of chapter 22 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following sentence:- The governor, the secretary, and the director shall exercise their best efforts to ensure that at least two of the appointive members shall be registered architects licensed to practice in the commonwealth.

Approved November 15, 1989.

Chapter 508. **AN ACT FURTHER DEFINING THE DUTIES OF THE DEPARTMENT OF THE STATE AUDITOR.**

Be it enacted, etc., as follows:

Chapter 11 of the General Laws is hereby amended by striking out section 12, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 12. The department of the state auditor shall make an audit as often as the state auditor determines it necessary, but in no event less than once in every two years of the accounts, programs, activities, and functions directly related to the aforementioned accounts of all departments, offices, commissions, institutions,

and activities of the commonwealth, including those of districts and authorities created by the general court, and including those of the income tax division of the department of revenue, and for said purpose the authorized officers and employees of said department of the state auditor shall have access to such accounts at reasonable times and said department may require the production of books, documents, vouchers, and other records relating to any matter within the scope of such audit, except tax returns. All such audits shall be conducted in accordance with the standards for audits of governmental organizations, programs, activities, and functions published by the Comptroller General of the United States. In any audit report of the accounts, funds, programs, activities, and functions of any agency, department, office, commission, or institution of the commonwealth, including those of districts and authorities created by the general court, issued by the department of the state auditor, wherein there appears adverse or critical audit results, the state auditor may require a response, in writing, to such audit results. Such response shall be forwarded to the department of the state auditor within fifteen days of notification by the state auditor. A copy of the response shall be filed with the appropriate secretariat, the secretary of administration and finance, the cognizant executive board in the case of an authority, and the house and senate committees on ways and means. The state auditor shall notify the appropriate secretariat, the secretary of administration and finance, the cognizant executive board in the case of an authority, and the house and senate committees on ways and means in the event of an agency's failure to respond or of the filing of unresponsive answers. This section shall not apply to those accounts which the director of accounts of the department of revenue is required by law to examine. The department of the state auditor shall, in any audit of the executive office of human services or any agency thereof, refer to the fraudulent claims commission any case coming to its attention in the course of such audit which appears to involve fraud. The department of the state auditor is hereby authorized to inspect, review or audit, in conformity with generally accepted government auditing standards, the accounts, books, records and activities of vendors contracting, having contracted, or agreeing to provide services or materials of any description, or any other thing of value pursuant to any and all contracts or agreements between the commonwealth, its departments, agencies, bureaus, boards, commissions, institutions, or authorities and said vendors to the extent necessary to determine compliance with the provisions and requirements of such contracts or agreements and the laws of the commonwealth. Any grant or contract entered into between an entity, including vendors, and a state agency shall include a clause providing the state auditor with access as intended by this section. The department of the state auditor is hereby authorized to conduct audits, in accordance with generally accepted governmental auditing standards, of the accounts, funds, programs, activities, and functions, of any program or activity funded in whole or in part by state grants,

loans or reimbursements and carried out by cities, towns, counties, districts, or regional school districts, and for said purpose the authorized officers and employees of said department of the state auditor shall have access to such records at reasonable times and said department may require the production of books, documents, vouchers, reports and other records relating to any matter within the scope of such audit.

The department of the state auditor is hereby further authorized to inspect, review, or audit the accounts, funds, books, records, and activities, including audit reports relating to any matter within the scope of the audit, of any vendor contracting, having contracted, or agreeing to provide services or materials of any description, or any other thing of value, with a city, town, county, district, or regional school district pursuant to a contract or agreement funded in whole or in part directly or indirectly with state financial assistance. Said inspection, review, or audit shall be conducted to the extent necessary to determine compliance with the provisions and requirements of the contract or agreement, the grant, and the laws of the commonwealth.

The examination of the accounts of districts and authorities required by this section shall be made in addition to any audit required by the law creating such district or authority.

Approved November 15, 1989.

Chapter 509. AN ACT RELATIVE TO POLICE EQUIPMENT.

Be it enacted, etc., as follows:

Section 10A of chapter 269 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Any person, other than a federally licensed firearms manufacturer, an authorized agent of the Massachusetts criminal justice training council, or a duly authorized sworn law enforcement officer while acting within the scope of official duties and under the direct authorization of the police chief or his designee, or the commissioner of public safety, who sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized law enforcement agency, or uses or possesses any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revoiver, pistol or other firearm shall be punished by imprisonment for not more than five years in state prison or for not more than two and one-half years in a jail or house of correction. Nothing contained herein shall be construed to prohibit a federally licensed firearms manufacturer from selling such instrument,

attachment, weapon or appliance to authorized law enforcement agencies for law enforcement purposes or to the Massachusetts criminal training council for law enforcement training.

Approved November 15, 1989.

Chapter 510. **AN ACT REQUIRING THE REGISTRAR OF MOTOR VEHICLES TO RECORD THE MILITARY STATUS OF LICENSED OPERATORS.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 8 of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Each applicant shall state his military status in such application, and the registrar shall record such status in the central computer system of the registry.

SECTION 2. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the seventh paragraph the following paragraph:-

Every person licensed to operate motor vehicles as aforesaid shall report to the registrar every change in his military status, and the registrar shall record such change in status in the central computer system of the registry.

Approved November 15, 1989.

Chapter 511. **AN ACT INCLUDING THE TOWNS OF STOW, MAYNARD AND HUDSON IN THE MASSACHUSETTS BAY CIRCUIT.**

Be it enacted, etc., as follows:

Section 1 of chapter 631 of the acts of 1956 is hereby amended by inserting after the word "Sudbury", in line 10, the words:- , Stow, Maynard, Hudson.

Approved November 15, 1989.

Chapter 512. **AN ACT RELATIVE TO BANK INVESTMENT POWERS.**

Be it enacted, etc., as follows:

Section 3 of chapter 167G of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out subsection 11 and inserting in place

thereof the following two subsections:-

11. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth while acting as a fiduciary is authorized, in the absence of an express provision to the contrary in the instrument, judgment, decree or order creating a trust or other fiduciary relationship, to purchase for the fiduciary estate, directly from underwriters or in the secondary market, bonds or other securities which are underwritten by such association or corporation or an affiliate thereof or by any syndicate which includes such association or corporation or an affiliate thereof; provided, however, that (1) nothing in this section shall affect the degree of prudence and judgment which is required of fiduciaries generally under the common law of the commonwealth (2) any such bonds or securities so purchased shall have sufficient liquidity and quality to satisfy the principles of fiduciary investment and (3) such corporation or association discloses to the beneficiaries of its fiduciary accounts the fact that it or an affiliate may have an interest in the underwriting of such bonds or securities.

12. To perform any and all functions and engage in any and all business customarily engaged in by trust departments of banks in this commonwealth, provided that the same is not expressly prohibited by the laws of this commonwealth.

Approved November 15, 1989.

Chapter 513. AN ACT RELATIVE TO INTERFERENCE OR TAMPERING WITH FIRE SIGNAL SYSTEMS.

Be it enacted, etc., as follows:

Section 32 of chapter 268 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Whoever opens a signal box connected with a police signal system for the purpose of giving, or causing to be given, a false alarm, or interferes in any way with such box by breaking, cutting, injuring or defacing the same; or whoever, without authority, opens, tampers or meddles with such box, or with any part or parts thereof, or with the police signal wires, or with anything connected therewith, or with such purpose, wantonly and without cause tampers or meddles with a signal box connected with a fire signal system or with any part or thing connected therewith, shall be subject to immediate arrest and shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not more than two years, or both.

Approved November 15, 1989.

Chapter 514. **AN ACT RELATIVE TO ADMITTING IN EVIDENCE RECORDS SEALED AFTER PARDON IN CASES IN WHICH PERSONS ARE ACCUSED OF CERTAIN CRIMES OF VIOLENCE.**

Be it enacted, etc., as follows:

Section 152 of chapter 127 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "proceedings", in line 39, the words:- or in any court proceeding or hearing in which an individual is accused of violating sections one, thirteen, thirteen B, thirteen C, thirteen F, thirteen G, thirteen H, fourteen, fifteen, fifteen A, fifteen B, sixteen, eighteen, eighteen A, eighteen B, twenty-two, twenty-two A, twenty-three, twenty-four, twenty-four B and twenty-six of chapter two hundred and sixty-five.

Approved November 15, 1989.

Chapter 515. **AN ACT RELATIVE TO FIRE SAFETY CODES IN CITIES AND TOWNS.**

Be it enacted, etc., as follows:

Section 98 of chapter 143 of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding the foregoing, a city or town which is not served by a municipal water system may, with the approval of the board, adopt rules and regulations with regard to fire protection systems which are more restrictive than those established by the state building code; provided, however, that if the board does not issue a written decision within forty-five days of receipt of such proposed rules and regulations then they shall be deemed to have been approved by the board.

Approved November 15, 1989.

Chapter 516. **AN ACT MAKING IT UNLAWFUL TO DISCRIMINATE ON THE BASIS OF SEXUAL ORIENTATION.**

Be it enacted, etc., as follows:

SECTION 1. Subsection 5 of section 1 of chapter 151B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last

sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of any general or special law nothing herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, and which limits membership, enrollment, admission, or participation to members of that religion, from giving preference in hiring or employment to members of the same religion or from taking any action with respect to matters of employment, discipline, faith, internal organization, or ecclesiastical rule, custom, or law which are calculated by such organization to promote the religious principles for which it is established or maintained.

SECTION 2. Subsection 6 of section 3 of said chapter 151B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- To receive, investigate and pass upon complaints of unlawful practices, as hereinafter defined, alleging discrimination because of the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry or handicap of any person alleging to be a qualified handicapped person. The term "sexual orientation" shall mean having an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality.

SECTION 3. Said section 3 of said chapter 151B, as so appearing, is hereby further amended by striking out subsection 9 and inserting in place thereof the following subsection:-

9. To issue such publication and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age or ancestry.

SECTION 4. Section 4 of said chapter 151B is hereby amended by striking out subsection 1, as so appearing, and inserting in place thereof the following subsection:-

1. For an employer, by himself or his agent, because of the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, or ancestry of any individual to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

SECTION 5. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 2, as so appearing, and inserting in place thereof the following subsection:-

2. For a labor organization, because of the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, or ancestry of any individual, or because of the handicap of any person alleging to be a qualified handicapped person, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer unless based upon a bona fide occupational qualification.

SECTION 6. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 3, as so appearing, and inserting in place thereof the following subsection:-

3. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age or ancestry, or the handicap of a qualified handicapped person or any intent to make any such limitation, specification or discrimination, or to discriminate in any way on the ground of race, color, religious creed, national origin, sex, sexual orientation, age, ancestry or the handicap of a qualified handicapped person, unless based upon a bona fide occupational qualification.

SECTION 7. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 3A, as so appearing, and inserting in place thereof the following subsection:-

3A. For any person engaged in the insurance or bonding business, or his agent, to make any inquiry or record of any person seeking a bond or surety bond conditioned upon faithful performance of his duties or to use any form of application in connection with the furnishing of such bond, which seeks information relative to the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, or ancestry of the person to be bonded.

SECTION 8. Subsection 3B of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "sex", in line 84, the words:- , sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object.

SECTION 9. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 6, as so appearing, and inserting in place thereof the following subsection:-

6. For the owner, lessee, sublessee, licensed real estate broker, assignee or managing agent of publicly assisted or multiple dwelling or contiguously located

housing accommodations or other person having the right of ownership or possession or right to rent or lease, or sell or negotiate for the sale of such accommodations, or any agent or employee of such a person, or any organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or lease or sell or negotiate for sale or otherwise to deny to or withhold from any person or group of persons such accommodations because of the race, religious creed, color, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, or marital status of such person or persons or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired; (b) to discriminate against any person because of his race, religious creed, color, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, or marital status or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired, in the terms, conditions or privileges of such accommodations or the acquisitions thereof, or in the furnishings of facilities and services in connection therewith, or because such a person possesses a trained dog guide as a consequence of blindness, or hearing impairment; (c) to cause to be made any written or oral inquiry or record concerning the race, religious creed, color, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry or marital status of the person seeking to rent or lease or buy any such accommodation, or concerning the fact that such person is a veteran or a member of the armed forces or because such person is blind or hearing impaired. The word "age" as used in this subsection shall not apply to persons who are minors nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in retirement communities consisting of either a structure or structures constructed expressly for use by the elderly on one parcel or on contiguous parcels of land, totalling at least ten acres in size, which communities have a minimum age requirement for residency of at least fifty-five years; provided, however, that no more than one of the persons occupying any unit may be under fifty-five years of age, exclusive of nurses or other persons providing health care services to the elderly occupants of said unit.

SECTION 10. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 7, as so appearing, and inserting in place thereof the following subsection:-

7. For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other covered housing accommodations or of land intended for the erection of any housing accommodation included under subsection 10, 11, 12, or 13 of section one, or other person having the right of ownership or possession or right to rent or lease or sell, or negotiate for the sale or lease of such land or accommodations, or any agent or employee of such a person or any organization

of unit owners in a condominium or housing cooperative: (a) to refuse to rent or lease or sell or negotiate for sale or lease or otherwise to deny or withhold from any person or group of persons such accommodations or land because of race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, or marital status, veteran status or membership in the armed forces, blindness, hearing impairment, or because such person possesses a trained dog guide as a consequence of blindness or hearing impairment of such person or persons; (b) to discriminate against any person because of his race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, or marital status, veteran status or membership in the armed services, blindness, or hearing impairment, or because such person possesses a trained dog guide as a consequence of blindness or hearing impairment in the terms, conditions or privileges of such accommodations or land or the acquisition thereof, or in the furnishing of facilities and services in the connection therewith or (c) to cause to be made any written or oral inquiry or record concerning the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, marital status, veteran status or membership in the armed services, blindness, hearing impairment or because such person possesses a trained dog guide as a consequence of blindness or hearing impairment, of the person seeking to rent or lease or buy any such accommodation or land; provided, however, that this subsection shall not apply to the leasing of a single apartment or flat in a two family dwelling, the other occupancy unit of which is occupied by the owner as his residence. The word "age" as used in this subsection shall not apply to persons who are minors, nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in retirement communities consisting of either a structure or structures constructed expressly for use by the elderly on one parcel or on contiguous parcels of land, totalling at least ten acres in size, which communities have a minimum age requirement for residency of at least fifty-five years; provided, however, that no more than one of the persons occupying any unit may be under fifty-five years of age, exclusive of nurses or other persons providing health care services to the elderly occupants of said unit.

SECTION 11. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out subsection 8 and inserting in place thereof the following subsection:-

8. For the owner, lessee, sublessee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent or lease, commercial space: (1) To refuse to sell, rent, lease or otherwise deny to or withhold from any person or group of persons such commercial space because of race, color, religious creed, national origin, sex, sexual orientation, which shall not include

persons whose sexual orientation involves minor children as the sex object, age, ancestry or marital status of such person or persons. (2) To discriminate against any person because of his race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry or marital status in the terms, conditions or privileges of the sale, rental or lease of any such commercial space or in the furnishing of facilities or services in connection therewith. (3) To cause to be made any written or oral inquiry or record concerning the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry or marital status of a person seeking to rent or lease or buy any such commercial space. The word "age" as used in this subsection shall not apply to persons who are minors, nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in self-contained retirement communities constructed expressly for use by the elderly and which are at least twenty acres in size and have a minimum age requirement for residency of at least fifty-five years.

SECTION 12. Subsection 14 of said section 4 of said chapter 151B, as so appearing, is hereby amended by striking out, in line 340, the words "or age" and inserting in place thereof the words:- , age or sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object.

SECTION 13. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Nothing contained in this chapter or in any rule or regulation issued by the commission shall be interpreted as requiring any employer, employment agency or labor organization to grant preferential treatment to any individual or to any group because of the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age or ancestry of such individual or group because of imbalance which may exist between the total number or percentage of persons employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization or admitted to or employed in, any apprenticeship or other training program, and the total number or percentage of persons of such race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age or ancestry in the commonwealth or in any community, section or other area therein, or in the available work force in the commonwealth or in any of its political subdivisions.

SECTION 14. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof

the following paragraph:-

Notwithstanding the provisions of any general or special law nothing herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from taking any action with respect to matters of employment, discipline, faith, internal organization, or ecclesiastical rule, custom, or law which are calculated by such organization to promote the religious principles for which it is established or maintained.

SECTION 15. Section 92A of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement shall, directly or indirectly, by himself or another, publish, issue, circulate, distribute or display, or cause to be published, issued, circulated, distributed or displayed, in any way, any advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, race, color, denomination, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, nationality, or because of deafness or blindness, or any physical or mental disability, in the full enjoyment of the accommodations, advantages, facilities or privileges offered to the general public by such places of public accommodation, resort or amusement.

SECTION 16. Said chapter 272 is hereby further amended by striking out section 98, as so appearing, and inserting in place thereof the following section:-

Section 98. Whoever makes any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, deafness, blindness or any physical or mental disability or ancestry relative to the admission of any person to, or his treatment in any place of public accommodation, resort or amusement, as defined in section ninety-two A, or whoever aids or incites such distinction, discrimination or restriction, shall be punished by a fine of not more than twenty-five hundred dollars or by imprisonment for not more than one year, or both, and shall be liable to any person aggrieved thereby for such damages as are enumerated in section five of chapter one hundred and fifty-one B; provided, however, that such civil forfeiture shall be of an amount not less than three hundred dollars; but such person so aggrieved shall not recover against more than one person by reason of any one act of distinction, discrimination or restriction. All persons shall have the right to the full and equal accommodations, advantages, facilities and privileges of any place of

public accommodation, resort or amusement subject only to the conditions and limitations established by law and applicable to all persons. This right is recognized and declared to be a civil right.

SECTION 17. Nothing contained in this act shall be construed to authorize or require the department of social services to place any child under its jurisdiction, into the care of any person or persons, whose sexual orientation is an obstacle to the psychological, or physical well-being of the child, except when the child is the biological child of such person or persons, or where there are biological relatives willing to care for the child, if and when the permission of the natural parents has been obtained or indicated. This restriction shall include but not be limited to adoption, guardianship, and foster care.

SECTION 18. It is hereby found and declared that the sexual orientation of a person is an invalid basis for discrimination in areas of housing, employment and the granting of credit. Therefore, the legislature explicitly states that nothing contained in this chapter shall be construed as an approval or endorsement of homosexuality or bisexuality.

SECTION 19. Nothing in this act shall be construed so as to legitimize or validate a "homosexual marriage", so-called, or to provide health insurance or related employee benefits to a "homosexual spouse", so-called.

SECTION 20. The provisions of this act are severable and if any of its provisions shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or impair any other provisions.

Approved November 15, 1989.

Chapter 517. AN ACT RELATIVE TO ART IN PUBLIC BUILDINGS.

Be it enacted, etc., as follows:

Section 42C of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following two paragraphs:-

Following final approval of such plans and specifications, the director shall advertise in the central register published by the secretary of state pursuant to section twenty of chapter nine and in such other publications as the deputy commissioner shall direct, for applications to bid on or proposals for the performance of the work on the project; except that the deputy commissioner may direct that the purchase of any materials, original equipment or original furnishings for the project shall be made under the provisions of sections twenty-two to twenty-six, inclusive. Subject to the prior approval of the deputy commissioner and the applicable provisions of sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine he shall award the contract or contracts for such work

:to the lowest responsible and eligible bidder; but no such contract on behalf of t he commonwealth shall be awarded by him for a sum in excess of the amount which the comptroller shall certify to be available therefor. If the director shall knowingly award a contract in violation of any provisions of this section, he may be removed from office by the governor.

Each contract for the construction of a capital facility project shall provide that not less than one percent, nor more than one hundred thousand dollars of the cost of said capital facility project, whichever is the lesser amount, shall be expended for art at said capital facility projects; provided, however, that this paragraph shall not be applicable to any capital facility project for the construction of any detention center, jail, house of correction, or prison or for any appurtenant buildings or structures which are required to be constructed as integral parts of any sewer, water, or highway systems.

Emergency Letter: November 16, 1989 @ 9:16 A.M. Approved November 15, 1989.

Chapter 518. AN ACT FURTHER REGULATING HOME IMPROVEMENT LOANS FOR ENERGY NEEDS.

Be it enacted, etc., as follows:

Section 12 of chapter 167E of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 8, the word "fifteen" and inserting in place thereof the word:- forty.

Approved November 15, 1989.

Chapter 519. AN ACT RELATIVE TO SUB-BIDS ON PUBLIC CONSTRUCTION CONTRACTS.

Be it enacted, etc., as follows:

Paragraph (a) of subsection (4) of section 44F of chapter 149 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 254, the words "subsection (1) or subsection (3)" and inserting in place thereof the following words:- subsection (1) of section forty-four E or subsection (3) of this section.

Approved November 15, 1989.

Chapter 520. AN ACT PERMITTING BOXING AND SPARRING MATCHES AND EXHIBITIONS ON SUNDAYS.

Be it enacted, etc., as follows:

Section 32 of chapter 147 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second sentence.

Approved November 15, 1989.

Chapter 521. AN ACT FURTHER REGULATING SAFETY REQUIREMENTS FOR CONSTRUCTION WORKERS.

Be it enacted, etc., as follows:

Section 6 of chapter 149 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:-

The department shall investigate, from time to time, employments and places of employment, including, but not limited to, such places where temporary personnel and material elevators are used in construction, reconstruction or renovation of buildings, but excluding places of employment of persons engaged in domestic service in the home of the employer, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all such employments or places of employment; and also shall determine what suitable devices or other reasonable means or requirements for the prevention of industrial or occupational diseases shall be adopted or followed in any or all such employments or places of employment; and shall make reasonable rules, regulations and orders for the prevention of accidents and the prevention of industrial or occupational diseases, and rules and regulations pertaining to structural painting made hereunder may provide for the payment of reasonable fees.

The rules and regulations for elevators and for suitable safety devices or other reasonable means or requirements for the prevention of accidents shall also be applicable to self-employed and individual contractors who themselves work at the trade as well as to employees.

Approved November 15, 1989.

Chapter 522. AN ACT FURTHER REGULATING BONDING REQUIREMENTS FOR LICENSED CAREER SCHOOLS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for security for the indemnification of students of licensed career schools, 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 75C of the General Laws is hereby amended by striking out section 4, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 4. No license shall issue under the provisions of this chapter until the prospective licensee, or two or more prospective licensees who intend to secure a joint indemnification, shall furnish either a bond with surety or a form of indemnification acceptable to the commissioner or his designee in the amount determined by the state auditor in a sum not less than five thousand dollars and not more than one hundred thousand dollars in the case of a school's license, and in the amount of one thousand dollars in the case of a license for a representative of a correspondence school; provided, however, that the liability of the indemnification shall be limited to indemnifying the claimant only for actual damages. The state auditor shall require additional security in cases where he is of the opinion that the cash resources of the licensees may not be sufficient to make tuition refunds to students as required under section thirteen K of chapter two hundred and fifty-five; and, provided further, that the amount of the indemnification in the case of the school shall not exceed the anticipated maximum unearned tuitions.

For the purposes of this section the forms of indemnification other than a surety bond which shall be furnished to the department of education for licensure are the following:

(1) An irrevocable letter of credit, maintained for a period of one year, issued by a financial institution as defined in section one of chapter one hundred and forty E in an amount determined annually by the state auditor and approved by the department of education payable to the commonwealth in which the commonwealth is designated as the beneficiary.

(2) A term deposit account held in a financial institution as defined in section one of chapter one hundred and forty E, payable to the commonwealth, commissioner of education, to be held in trust for the benefit of students entitled thereto under section thirteen K of chapter two hundred and fifty-five or subject to refund provisions and policies approved by the department of education. Said account shall be maintained for a period of one year, the amount to be determined

annually by the state auditor and acceptable to the commissioner of education or his designee. All interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all monies on deposit, including interest, shall be released to the appropriate school subject to the approval of the department of education.

A joint indemnification shall be defined as an indemnification issued to cover all prospective licensees to be insured under the indemnification in an amount sufficient to cover the tuition refunds of the participating schools.

Each such indemnification shall be conditioned to provide that the obligor shall satisfy all judgments rendered against it in actions to recover damages sustained by students resulting from a breach of contract; provided, however, that the aggregate liability of the person providing indemnification for all breaches of the conditions of the indemnification shall in no event, exceed the sum of such indemnification. Such indemnification shall not limit or impair any right of recovery otherwise available pursuant to law nor shall the amount of the indemnification be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled. The surety on any bond may cancel the bond upon giving sixty days' notice in writing to the commissioner and thereafter shall be released of the liability for any breach of condition occurring after the effective date of said cancellation.

The indemnification shall be procured only from companies or institutions doing business in the commonwealth.

SECTION 2. Chapter 75D of the General Laws is hereby amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. Any pupil of a private business school, who is misled by an officer or representative of said school, or by any advertisement or circular issued by said school, which representation is false, deceptive or misleading, may recover treble damages, or one thousand dollars, whichever is greater, and court costs and reasonable attorney's fees.

No license shall issue under the provisions of this chapter until the prospective licensee, or two or more prospective licensees who intend to secure a joint indemnification, shall furnish either a bond with surety or a form of indemnification acceptable to the commissioner or his designee in the amount determined by the state auditor in a sum not less than five thousand dollars and not more than one hundred thousand dollars in the case of a school's license, and in the amount of one thousand dollars in the case of a license for a representative of a private business school; provided, however, that the liability of the person providing indemnification shall be limited to indemnifying the claimant only for his actual damages. The state auditor shall require additional security in those cases where he is of the opinion that the cash resources of the licensee may not be sufficient

to make tuition refunds to students as required under section thirteen K of chapter two hundred and fifty-five; and provided further, that the amount of the indemnification in the case of the school shall not exceed the anticipated maximum unearned tuitions.

For the purposes of this section the forms of indemnification other than a surety bond which shall be furnished to the department of education for licensure are the following:

(1) An irrevocable letter of credit, maintained for a period of one year, issued by a financial institution as defined in section one of chapter one hundred and forty E in an amount determined annually by the state auditor and approved by the department of education payable to the commonwealth in which the commonwealth is designated as the beneficiary.

(2) A term deposit account held in a financial institution as defined in section one of chapter one hundred and forty E, payable to the commonwealth, commissioner of education, shall be held in trust for the benefit of students entitled thereto under section thirteen K of chapter two hundred and fifty-five or subject to refund provisions and policies approved by the department of education. Said account shall be maintained for a period of one year, the amount to be determined annually by the state auditor and acceptable to the commissioner of education or his designee. All interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all monies on deposit, including interest, shall be released to the appropriate school subject to the approval of the department of education.

A joint indemnification shall be defined as an indemnification issued to cover all prospective licensees to be insured under the indemnification in an amount sufficient to cover the tuition refunds of the participating schools.

Each such indemnification shall be conditioned to provide that the obligor shall satisfy all judgments rendered against it in actions to recover damages sustained by students resulting from a breach of contract; provided, however, that the aggregate liability of the person providing indemnification for all breaches of the conditions of the indemnification shall in no event, exceed the sum of such indemnification. Such indemnification shall not limit or impair any right of recovery otherwise available pursuant to law nor shall the amount of the indemnification be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled. The surety on any bond may cancel the bond upon giving sixty days' notice in writing to the commissioner and thereafter shall be relieved of the liability for any breach of condition occurring after the effective date of said cancellation.

The indemnification shall be procured only from companies or institutions doing business in the commonwealth.

SECTION 3. Chapter 93 of the General Laws is hereby amended by striking

out section 21F, as so appearing, and inserting in place thereof the following section:-

Section 21F. No license shall issue under the provisions of section twenty-one B until the prospective licensee, or two or more prospective licensees who intend to secure a joint indemnification, shall furnish either a bond with surety or a form of indemnification acceptable to the commissioner or his designee in the amount determined by the state auditor in a sum not less than five thousand dollars and not more than one hundred thousand dollars in the case of a school's license, and in the amount of one thousand dollars in the case of a license for a representative of a private trade school; provided, however, that the liability of the person providing indemnification shall be limited to indemnifying the claimant only for his actual damages. The state auditor shall require additional security in those cases where he is of the opinion that the cash resources of the licensee may not be sufficient to make tuition refunds to students as required under section thirteen K of chapter two hundred and fifty-five; provided, however, that the amount of the indemnification in the case of the school shall not exceed anticipated maximum earned tuitions.

For the purposes of this section the forms of indemnification other than a surety bond which shall be furnished to the department of education for licensure are the following:-

(1) an irrevocable letter of credit, maintained for a period of one year, issued by a financial institution as defined in section one of chapter one hundred and forty E in an amount determined annually by the state auditor and approved by the department of education payable to the commonwealth in which the commonwealth is designated as the beneficiary.

(2) a term deposit account held in a financial institution as defined in section one of chapter one hundred and forty E, payable to the commonwealth, commission of education, shall be held in trust for the benefits of students entitled thereto under section one of chapter two hundred and fifty-five or subject to refund provisions and policies approved by the department of education. Said account shall be maintained for a period of one year, the amount to be determined annually by the state auditor and acceptable to the commissioner of education or his designee. All interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all monies on deposit, including interest, shall be released to the appropriate school subject to the approval of the department of education.

A joint indemnification shall be defined as an indemnification issued to cover all prospective licensees to be insured under the indemnification in an amount sufficient to cover the tuition refunds of the participating schools.

Each such indemnification shall be conditioned to provide that the obligor shall

satisfy all judgments rendered against it in actions to recover damages sustained by students resulting from a breach of contract; provided, however, that the aggregate liability of the person providing indemnification for all breaches of the conditions of the indemnification shall in no event, exceed the sum of such indemnification. Such indemnification shall not limit or impair any right or recovery otherwise available pursuant to law nor shall the amount of the indemnification be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled. The surety on any bond may cancel the bond upon giving sixty days' notice in writing to the commissioner and thereafter shall be relieved of the liability for any breach of condition occurring after the effective date of said cancellation.

The indemnification shall be procured only from companies or institutions doing business in the commonwealth.

Approved November 17, 1989.

Chapter 523. AN ACT AUTHORIZING THE TOWN OF READING TO ESTABLISH A SPECIAL FUND AND A CERTAIN INDEMNITY FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Reading is hereby authorized to establish a special fund for the proceeds from the sale of real estate received after March first, nineteen hundred and eighty-nine. The town treasurer shall be the custodian of such funds and shall invest such funds in the manner authorized by sections fifty-five, fifty-five A and fifty-five B of chapter forty-four of the General Laws. Investment income or proceeds received from any investment of funds shall be credited to and become part of the special fund. The special fund may be appropriated by a two-thirds vote at any town meeting to provide funding for capital projects or for the retirement of the debt service related to capital projects of bonds issued after November first, nineteen hundred eighty-eight, or to provide funding for the unfunded pension liability.

SECTION 2. In accordance with the agreement between the town of Reading and Homart Development Co. for the sale of the town's former landfill site the town is authorized to establish an indemnity fund in the amount of two million dollars from the proceeds of the sale for the indemnification of potential hazardous waste issues which may require the future expenditure of monies. Use of themonies in the indemnity fund shall be in accordance with the agreement, including the power of expenditure by the board of selectmen without appropriation by town meeting.

The investment income and any part of the principal of the indemnity fund released to the town shall be added to and become part of the special fund authorized in section one.

SECTION 3. Any proceeds from the sale of real estate received after March first, nineteen hundred and eighty-nine shall, as appropriate, be transferred to either the special fund authorized by section one or the indemnity fund authorized by section two.

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

Approved November 17, 1989.

Chapter 524. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO CONVEY CERTAIN CONSERVATION LAND TO JAN B. MORGAN.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury acting by and through its board of selectmen is hereby authorized to convey to Jan B. Morgan a certain portion of land presently managed and controlled by the conservation commission of said town under the provisions of section eight C of chapter forty of the General Laws. Said portion consists of 1,883+ square feet and is shown as Parcel "C" on a plan entitled "Plan of Land in Sudbury, MA. owned by Town of Sudbury," dated August 19, 1988, prepared by Colburn Engineering, Inc. In consideration for said conveyance, Jan B. Morgan shall grant to the town of Sudbury, acting by and through its conservation commission, a conservation restriction in perpetuity for the purpose of protection of the natural and watershed resources of said town of Sudbury under said section eight C of said chapter forty on a wetland portion of the property known and numbered as 24 Run Brook Circle in said town, said wetland portion having frontage on Willis pond. In further consideration of said conveyance, Jan B. Morgan shall grant to the town of Sudbury an access easement to the remainder of said land managed and controlled by the conservation commission over the street frontage portion of the parcel to be conveyed to her.

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

Approved November 17, 1989.

Chapter 525. AN ACT PROVIDING FOR THE CERTIFICATION OF GERARD CARUSO AS AN EMERGENCY MEDICAL TECHNICIAN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section six of chapter one hundred and eleven C of the General Laws or any other general or special law or rule to the contrary, the department of public health is hereby authorized and directed to certify Gerard Caruso as an emergency medical technician until and including December thirty-first, nineteen hundred and eighty-nine; provided, however, that he first has been determined to have completed the supplementary course in emergency medical care approved by said department pursuant to the provisions of said chapter one hundred and eleven C.

SECTION 2. The provisions of section one shall take effect as of January first, nineteen hundred and eighty-eight.

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

Approved November 17, 1989.

Chapter 526. **AN ACT TO ALLOW FIREFIGHTERS IN THE CITY OF SPRINGFIELD WHO HAVE BEEN DEMOTED TO TAKE THE PROMOTIONAL EXAMINATION FOR THE NEXT HIGHER TITLE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-nine of chapter thirty-one of the General Laws or of any other general or special law or rule to the contrary, any firefighter employed in the Springfield fire department who had been employed in a title above that of firefighter for one year after certification prior to the effective date of the reduction in force of said fire department in June of nineteen hundred and eighty-nine shall be deemed eligible to take the next promotional civil service examination for the next higher title than the title in which he was employed at the time of such reduction, regardless of the title in which he is employed at the time of said examination.

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

Approved November 17, 1989.

Chapter 527. **AN ACT FURTHER REGULATING THE INSTALLATION OF SMOKE DETECTORS.**

Be it enacted, etc., as follows:

SECTION 1. Section 26C of chapter 148 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and

inserting in place thereof the following paragraph:-

Apartment houses containing six or more dwelling units, hotels, boarding or lodging houses, or family hotels which are not regulated by section twenty-six A or twenty-six B shall be equipped with automatic smoke or heat detectors as provided by the rules and regulations of the board of fire prevention regulations.

SECTION 2. Said chapter 148 is hereby further amended by striking out section 26E, as so appearing, and inserting in place thereof the following section:-

Section 26E. (a) In any city or town which accepts this subsection, one and two family dwellings occupied in whole or in part for residential purposes and not regulated by section twenty-six A or twenty-six B shall be equipped with approved smoke detectors. Owners of such buildings or structures shall install either an approved monitored battery powered smoke detector or an approved primary power smoke detector on each level of habitation and on the basement level; provided, however, that the head of the fire department shall allow the installation of approved monitored battery powered smoke detectors. Such approved smoke detectors shall be installed in the following manner; an approved smoke detector shall be installed on the ceiling of each stairway leading to the floor above, near the base of, but not within each stairway and an approved smoke detector shall be installed outside each separate sleeping area.

(b) Buildings or structures occupied in whole or in part for residential purposes and containing not less than three nor more than five units and not regulated by section twenty-six A, twenty-six B or twenty-six C shall be equipped with approved smoke detectors. Owners of such buildings or structures shall install either an approved monitored battery powered smoke detector or an approved primary power smoke detector outside each separate sleeping area; provided, however, that the head of the fire department shall allow the installation of approved monitored battery powered smoke detectors; and provided, further, that in all common hallways and basements of said residential buildings or structures a series of interconnected approved primary power smoke detectors shall be installed.

(c) For the purposes of this section, approved primary power shall mean an alternating current primary source of electric power furnished by an electric power or light company municipally operated or operating under the authority of the department of public utilities which is the primary source of electricity or is a secondary source but is permanently wired thereto a
nd will become operational upon the failure of the primary source of power.

(d) The head of the fire department shall enforce the provisions of this section. The provisions of section thirty shall not apply to this section.

SECTION 3. The provisions of this act shall not apply to buildings or structures which have installed smoke detectors approved by the head of the fire department, prior to the effective date of this act.

SECTION 4. Except as provided in section three, buildings or structures, regulated by this act, shall comply with its provisions, according to the following

criteria; no later than five years, from the effective date of this act, if said buildings or structures are located in a community with a population in excess of one hundred thousand; no later than three years, from the effective date of this act, if said buildings or structures are located in a community with a population in excess of fifty thousand but under one hundred thousand; and no later than one year, from the effective date of this act, if said buildings or structures are located in a community with a population under fifty thousand.

Approved November 17, 1989.

Chapter 528. AN ACT RELATIVE TO THE TAKING OF REGISTERED LAND BY A PUBLIC AUTHORITY.

Be it enacted, etc., as follows:

Section 4 of chapter 79 of the General Laws is hereby amended by adding the following paragraph:-

If the body politic or corporate which takes the land acquires the fee simple of all or part of the registered land, a new certificate shall be entered to the body politic or corporate making the fee simple taking.

Approved November 17, 1989.

Chapter 529. AN ACT RELATIVE TO THE FILING REQUIREMENTS FOR REGULATIONS ADOPTED BY CERTAIN STATE AGENCIES.

Be it enacted, etc., as follows:

SECTION 1. The sixth paragraph of section 28 of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Such rules and amendments thereto shall comply with filing provisions of section five of chapter thirty A and such regulations shall not take effect until so filed.

SECTION 2. Chapter 30 of the General Laws is hereby amended by striking out section 37, as so appearing, and inserting in place thereof the following section:-

Section 37. Every department, board, commission, division, authority or official of state government, or subdivision thereof, authorized by law to make regulations, shall comply with the filing provisions of section five of chapter thirty A and such regulations shall not take effect until so filed.

SECTION 3. Section 3 of chapter 31 of the General Laws, as so appearing, is

hereby amended by inserting after the first sentence the following sentence:- Such rules and amendments thereto shall comply with the filing provisions of section five of chapter thirty A and such regulations shall not take effect until so filed.

SECTION 4. Chapter 58A of the General Laws is hereby amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. A hearing shall be granted if any party to an appeal so requests, and upon motion of any party to an appeal or by direction of the board, any appeal may be set down for a hearing. Hearings may be held before less than a majority of the members of the board, and the chairman may assign members to hold hearings. Hearings before the board or before members of the board shall be open to the public and such hearings and all proceedings shall be conducted in accordance with such rules of practice and procedure as the board may make and promulgate; provided, however, that such rules and amendments thereto shall comply with the filing provisions of section five of chapter thirty A and such rules and amendments shall not take effect until so filed. The chairman may direct that two or more petitions for abatement of the taxes assessed upon real estate situated in the same general locality of the same town be heard together, irrespective of the identity of the appellants.

SECTION 5. Section 5 of chapter 152 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Such rules and amendments thereto shall comply with the filing provisions of section five of chapter thirty A and such regulations shall not take effect until so filed.

Approved November 17, 1989.

Chapter 530. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND.**

Be it enacted, etc., as follows:

The division of capital planning and operations, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, is hereby authorized to convey a certain parcel of land in the town of Canton, presently under the care and control of the metropolitan district commission to the town of Canton for use in its water improvement program. Said conveyance shall be in accordance with such terms and conditions as the deputy commissioner, in consultation with the metropolitan district commission, may prescribe. Said parcel of land is described as follows:-

Beginning at a bound on the northerly side of Randolph Street: Thence, on a curve to the left with a radius of 960.00 feet and a distance of sixty-four and ten hundredths (64.10) feet along the northerly sideline of Randolph Street; Thence,

N29°-37'-10"W Three hundred and no hundredths (300.00) feet; Thence, N56°-04'-04"E Two hundred ninety-two and three hundredths (292.03) feet; Thence, S29°-37'-10"E Two hundred fifty and no hundredths (250.00) feet; Thence, S46°-54'-30"W Two hundred thirty-five and ninety hundredths (235.90) feet to the point of beginning and containing 79,804 square feet of land as shown on a "Taking Plan of Land in Canton, Massachusetts by Whitman and Howard, Inc., dated December 15, 1987," on file in the office of the metropolitan district commission.

Approved November 17, 1989.

Chapter 531. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF LITERACY AWARENESS MONTH.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15MMM, inserted by chapter 421 of the acts of 1989, the following section:-

Section 15NNN. The governor shall annually issue a proclamation setting aside the month of September as Literacy Awareness Month, and recommending its observance by the public by the establishment of programs designed to increase the public's awareness of illiteracy.

Approved November 17, 1989.

Chapter 532. AN ACT FURTHER REGULATING WAGERS MADE AT RACING MEETINGS.

Be it enacted, etc., as follows:

The second paragraph of section 5 of chapter 128A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- All wagers shall be in money and no credit shall be extended to any person making such wagers.

Approved November 17, 1989.

Chapter 533. AN ACT RELATIVE TO THE TOWN OF HANSON WATER SUPPLY.

Be it enacted, etc., as follows:

Chapter 320 of the special acts of 1916 is hereby amended by inserting after

section 6 the following section:-

Section 6A. The town of Hanson may enter upon any lands within said town for the purpose of making surveys, test pits and borings and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by sections one to six, inclusive. Without limiting the foregoing, the town shall have in addition all powers as are now or may be hereafter provided for in towns which have established a water supply pursuant to the provisions of section thirty-nine A of chapter forty of the General Laws.

Emergency Letter: November 21, 1989 @ 4:03 P.M. Approved November 17, 1989.

Chapter 534. AN ACT RELATIVE TO THE ABUSE OF ANIMALS.

Be it enacted, etc., as follows:

Section 77 of chapter 272 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 20, the words "five hundred" and inserting in place thereof the words:- one thousand.

Approved November 17, 1989.

Chapter 535. AN ACT FURTHER REGULATING PRIVILEGED COMMUNICATIONS BETWEEN SOCIAL WORKERS AND CLIENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section 135, as amended by section 1 of chapter 270 of the acts of 1989, and inserting in place thereof the following three sections:-

Section 135. As used in this section and sections one hundred and thirty-five A and one hundred and thirty-five B the following words shall have the following meanings, unless the context clearly indicates otherwise:-

"Client", a person with whom a social worker has established a social worker-client relationship.

"Communications", includes conversations, correspondence, actions and occurrences regardless of the client's awareness of such conversations, correspondence, actions and occurrences and any records, memoranda or notes of the foregoing.

"Reasonable precautions", reasonable efforts to take one or more of the following actions as would be taken by a reasonably prudent social worker under the same or similar circumstances:

(a) communicates a threat of death or serious bodily injury to any reasonably identified victim or victims;

(b) notifies an appropriate law enforcement agency in the vicinity where the client or any potential victim resides;

(c) arranges for the client to be hospitalized voluntarily; or

(d) takes appropriate steps, within the legal scope of social work practice, to initiate proceedings for involuntary hospitalization.

Section 135A. All communications between a social worker licensed pursuant to the provisions of section one hundred and thirty-two or a social worker employed in a state, county or municipal governmental agency, and a client are confidential. During the initial phase of the professional relationship, such social worker shall inform the client of such confidential communications and the limitations thereto as set forth in this section and section one hundred and thirty-five B, in accordance with sound professional practice.

No such social worker, colleague, agent or employee of any social worker, whether professional, clerical, academic or therapeutic, shall disclose any information acquired or revealed in the course of or in connection with the performance of the social worker's professional services, including the fact, circumstances, findings or records of such services, except under the following circumstances:

(a) pursuant to the provisions of this section and section one hundred and thirty-five B or any other law;

(b) upon express, written consent of such client or, in the event of a client incompetent to consent, of a guardian appointed to act in the client's behalf;

(c) upon the need to disclose that information which is necessary to protect the safety of the client or others if

(1) the client presents a clear and present danger to himself and refuses explicitly to voluntarily accept further appropriate treatment. In such circumstances, where the social worker has a reasonable basis to believe that a client can be committed to a hospital pursuant to section twelve of chapter one hundred and twenty-three, the social worker shall take appropriate steps within the legal scope of social work practice, to initiate proceedings for involuntary hospitalization. The social worker may also contact members of the client's family or other individuals if in the social worker's opinion, it would assist in protecting the safety of the client;

(2) the client has communicated to the social worker an explicit threat to kill or inflict serious bodily injury upon a reasonably identified victim or victims and the client has the apparent intent and ability to carry out the threat or has a history of physical violence which is known to the social worker and the social worker has a reasonable basis to believe that there is a clear and present danger that the client will attempt to kill or inflict serious bodily injury against a reasonably identified victim or victims. In either of such circumstances, any duty owed by a social worker to warn or in any other way protect a potential victim or victims shall be discharged

if the social worker takes reasonable precautions. No cause of action shall lie against, nor shall legal liability be imposed against, a social worker for failure to warn or in any other way protect a potential victim or victims, unless the social worker fails to take such reasonable precautions. Nothing in this paragraph shall require a social worker to take any actions which, in the exercise of reasonable professional judgment, would endanger such social worker or increase the danger to a potential victim or victims;

(d) in order to collect amounts owed by the client for professional services rendered by the social worker or his employees; provided, however, that the social worker may disclose only the nature of services provided, the dates of services, the amount due for services and other relevant financial information; and, provided, further, that if the client raises as a defense to said action substantive assertions concerning the competence of the social worker or the quality of the services provided, the social worker may disclose whatever information is necessary to rebut such assertions;

(e) to initiate a proceeding under paragraph C of section twenty-three or section twenty-four of chapter one hundred and nineteen, or section three of chapter two hundred and ten or to give testimony in connection therewith;

(f) where the social worker has acquired the information while conducting an investigation pursuant to section fifty-one B of chapter one hundred and nineteen;

(g) where the social worker has acquired the information while acting as an elder protective services worker for a designated protective services agency as defined in section fourteen of chapter nineteen A and has acquired the information while conducting an assessment in accordance with section eighteen of said chapter nineteen A;

(h) where the social worker has acquired the information while conducting an investigation pursuant to subsections (b) and (c) of section four or section five of chapter nineteen C;

(i) in the case of marital therapy, family therapy or consultation in contemplation of such therapy, with the written consent of each adult patient participant.

The provision of information acquired by a social worker from a client to any insurance company, nonprofit hospital service corporation, medical service corporation or health maintenance organization or to a board established pursuant to section twelve of chapter one hundred and twenty-six B, pertaining to the administration or provision of benefits, including utilization review or peer review, provided for expenses arising from the out-patient diagnosis or treatment or both, of mental or nervous conditions, shall not constitute a waiver or breach of any right to which said client is otherwise entitled under this section.

No provision of this section shall be construed to prevent a nonprofit hospital service or medical service corporation from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to diagnosis, treatment or other services provided to any person, including

a minor or incompetent, for which coverage, benefit or reimbursement is claimed, so long as the policy or certificate under which the claim is made provides that such access to such records is permitted. No provision of this section shall be construed to prevent access to any such records in connection with any coordination of benefits, subrogation, workers' compensation, peer review, utilization review or benefit management procedures applied and implemented in good faith.

Section 135B. Except as hereinafter provided, in any court proceeding and in any proceeding preliminary thereto and in legislative and administrative proceedings, a client shall have the privilege of refusing to disclose and of preventing a witness from disclosing, any communication, wherever made, between said client and a social worker licensed pursuant to the provisions of section one hundred and thirty-two of chapter one hundred and twelve, or a social worker employed in a state, county or municipal governmental agency, relative to the diagnosis or treatment of the client's mental or emotional condition.

If a client is incompetent to exercise or waive such privilege, a guardian shall be appointed to act in the client's behalf under this section. A previously appointed guardian shall be authorized to so act.

Upon the exercise of the privilege granted by this section, the judge or presiding officer shall instruct the jury that no adverse inference may be drawn therefrom.

The privilege granted hereunder shall not apply to any of the following communications:

(a) If a social worker, in the course of making a diagnosis or treating the client, determines that the client is in need of treatment in a hospital for mental or emotional illness or that there is a threat of imminently dangerous activity by the client against himself or another person, and on the basis of such determination discloses such communication either for the purpose of placing or retaining the client in such hospital; provided, however, that the provisions of this section shall continue in effect after the client is in said hospital, or placing the client under arrest or under the supervision of law enforcement authorities;

(b) If a judge finds that the client, after having been informed that the communications would not be privileged, has made communications to a social worker in the course of a psychiatric examination ordered by the court; provided, however, that such communications shall be admissible only on issues involving the client's mental or emotional condition but not as a confession or admission of guilt;

(c) In any proceeding, except one involving child custody, adoption or adoption consent, in which the client introduces his mental or emotional condition as an element of his claim or defense, and the judge or presiding officer finds that it is more important to the interests of justice that the communication be disclosed than that the relationship between the client and the social worker be protected;

(d) In any proceeding after the death of a client in which his mental or emotional condition is introduced by any party claiming or defending through or as a

beneficiary of the client as an element of the claim or defense, and the judge or presiding officer finds that it is more important to the interests of justice that the communication be disclosed than that the relationship between client and social worker be protected;

(e) In any case involving child custody, adoption or the dispensing with the need for consent to adoption in which, upon a hearing in chambers, the judge, in the exercise of his discretion, determines that the social worker has evidence bearing significantly on the client's ability to provide suitable care or custody, and that it is more important to the welfare of the child that the communication be disclosed than that the relationship between client and social worker be protected; provided, however, that in such cases of adoption or the dispensing with the need for consent to adoption, a judge shall determine that the patient has been informed that such communication would not be privileged; or

(f) In any proceeding brought by the client against the social worker and in any malpractice, criminal or license revocation proceeding, in which disclosure is necessary or relevant to the claim or defense of the social worker.

SECTION 2. Section 15 of chapter 19A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 55 and 56, the words "section one hundred and thirty-five" and inserting in place thereof the words:- sections one hundred and thirty-five A and one hundred and thirty-five B.

SECTION 3. Section 10 of chapter 19C of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "section one hundred and thirty-five" and inserting in place thereof the words:- sections one hundred and thirty-five A and one hundred and thirty-five B.

SECTION 4. Section 72G of chapter 111 of the General Laws, as so appearing, is hereby amended, in line 43, by inserting after the word "by" the words:- sections one hundred and thirty-five A and one hundred and thirty-five B, or by.

SECTION 5. Section 51A of chapter 119 of the General Laws, as amended by chapter 219 of the acts of 1989, is hereby further amended, in the last paragraph, by striking out the words "section one hundred and thirty-five" and inserting in place thereof the words:- sections one hundred and thirty-five A and one hundred and thirty-five B.

Approved November 17, 1989.

Chapter 536. AN ACT PROVIDING FOR THE EXTENSION BY THE METROPOLITAN DISTRICT COMMISSION OF THE WELD BOATHOUSE LEASE AND THE ACQUISITION BY THE METROPOLITAN DISTRICT COMMISSION OF THE BLAIR POND PREMISES IN THE CITY OF CAMBRIDGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the extension by the metropolitan district commission of certain leases, 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 section forty E and sections forty I to forty J, inclusive of chapter seven of the General Laws, to lease to the President and Fellows of Harvard College for a term not to exceed ninety-nine years certain real property located in the city of Cambridge, subject to the requirements of sections two, three, four, five and six and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission, said property being described in the lease and as shown on a plan entitled "Plan of Land in Cambridge" dated January 2, 1907, recorded with the southern district registry of deeds in the county of Middlesex in Plan Book 165, Plan 2.

SECTION 2. No lease of the property described in section one shall be valid unless such lease provides that said property shall be used for the purpose of rowing programs and other related purposes.

SECTION 3. Said lease is an extension of a certain lease for the aforementioned property, dated January 2, 1907, and recorded with the registry of deeds in the county of Middlesex in Book 3278, Page 267, between the commonwealth, as lessor, and the trustees of a trust established under declaration of trust dated February 26, 1890, recorded with southern district registry of deeds in said county in Book 1961, Page 61, as lessee, for an additional term of ninety-nine years. The additional term shall commence on June twenty-first, two thousand and five and expire on June twentieth, two thousand one hundred and four.

SECTION 4. The consideration paid for the lease of the aforementioned described property shall include the conveyance to the commonwealth, in fee simple, of the property known as "Blair Pond" consisting of two contiguous parcels shown as "Lot A" and "Lot B" on a plan entitled "Subdivision Plan of Land in Belmont & Cambridge, Massachusetts," dated September 18, 1968, and recorded

with the southern district registry of deeds in Book 11578, page 176, such parcels are more particularly described as follows:

Lot A. A certain parcel of land in the city of Cambridge and the town of Belmont, Middlesex County, Massachusetts, shown as Lot A on the plan and is bounded and described according to the plan as follows:

NORTHWESTERLY by land of owners unknown, Flanders Road as extended, and other land of owners unknown by three courses, 163.30 feet, more or less, 36.29 feet and 70.01 feet respectively;

SOUTHWESTERLY by land of owners unknown, 349.65 feet;

SOUTHERLY by land of owners unknown, 281.81 feet;

EASTERLY by Lot B as shown on the Plan, 451.39 feet; and

NORTHERLY by land now or formerly of the Boston & Maine Corp., 193.06 feet.

The parcel conveyed contains + 155,259 square feet according to the Plan.

Lot B. A certain parcel of land in the city of Cambridge, Middlesex County, Massachusetts, shown as Lot B on the Plan and is bounded and described according to the Plan as follows:

WESTERLY by Lot A as shown on the Plan, 451.39 feet;

NORTHERLY by land now or formerly of Boston & Maine Corp., 367.76 feet;

EASTERLY by land of owners unknown and by the end of Mooney Street as shown on the Plan, 651.92 feet;

SOUTHERLY by Lots 8 and 7 as shown on the Plan and by land of owners unknown, 100.15 feet;

NORTHWESTERLY by land of owners unknown, 302.22 feet; and

SOUTHEASTERLY by land of owners unknown, 247.93 feet; but excluding from Lot B a strip of land one foot wide and forty feet long at the northerly end of Normandy Terrace, said strip was conveyed to the city of Cambridge by deed of John T. Spinelli recorded with the southern district registry of deeds in the county of Middlesex in Book 11529, page 318.

The second parcel contains + 153,526 square feet.

SECTION 5. The President and Fellows of Harvard University shall assume the costs of appraisals, surveys, environmental studies and other expenses as deemed necessary by the deputy commissioner for the lease of the Weld Boathouse property.

SECTION 6. In the event that the aforementioned purpose described in section two ceases at any time, the lease shall be terminated under such terms and conditions as the deputy commissioner may prescribe.

SECTION 7. The metropolitan district commission is hereby authorized to renew its current lease with the American Legion, Marsh Post, 442 in the city of Cambridge, for a term not to exceed fifty years, of a building known as Gerry's Landing Bathhouse situated on Memorial drive extension in said city of Cambridge, in accordance with such terms and conditions as may be acceptable by the division

of capital planning and operations in consultation with the metropolitan district commission. Said building is shown on a plan on file with the metropolitan district commission, parks engineering and construction division, entitled construction plans for Roadway Eliot Bridge to Arsenal Street Accession Number 37991-X, dated July 8, 1959, and revised April 1, 1964.

Approved November 21, 1989.

Chapter 537. **AN ACT EXEMPTING THE POSITIONS OF SCHOOL BUSINESS MANAGER AND SUPERVISOR OF ATTENDANCE IN THE CITY KNOWN AS THE TOWN OF METHUEN FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The positions of business manager and supervisor of attendance in the school department of the city known as the town of Methuen 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 as school business manager or supervisor of attendance on the effective date of this act.

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

Approved November 21, 1989.

Chapter 538. **AN ACT AUTHORIZING THE TOWN OF DOVER TO CONVEY A CERTAIN PARCEL OF PARK LAND.**

Be it enacted, etc., as follows:

SECTION 1. The town of Dover, acting by and through its board of selectmen, is hereby authorized to convey to Elizabeth Reese a certain parcel of park land. Said parcel of land is shown as Lots 32, 33, 37 and 38 on a plan of land entitled "Plan showing Land belonging to Chester A. Bigelow" Dover, Massachusetts, dated August 1, 1909, Arthur P. French, Surveyor, recorded with the registry of deeds in the county of Norfolk in Plan Book 60, Plan 2865.

SECTION 2. In consideration of the conveyance, authorized by section one, said Elizabeth Reese shall convey to the town of Dover property of equal value to be held under the care, custody and control of the park and recreation commission of said town.

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

Approved November 21, 1989.

Chapter 539. AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE METHUEN SEWER AND WATER COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The city known as the town of Methuen is hereby authorized to establish, by ordinance, the Methuen sewer and water commission which shall have all the rights, powers and duties of sewer commissions and water commissions under the General Laws and any special acts, insofar as these do not conflict with the provisions of this act.

Said commission shall be an administrative agency, as provided in the charter of said city and shall be under the supervision and control of the town manager.

SECTION 2. Said ordinance shall provide but not be limited to the following:-

(1) The general administration of the management and fiscal and prudential affairs of the sewer and water systems of the city known as the town of Methuen, shall except as otherwise provided herein be vested in the Methuen sewer and water commission consisting of five persons who shall be appointed by the town manager subject to the approval of the town council in accordance with the provisions of section 3-2(b) of Article 3 of the charter of said city for terms of three years beginning on the first secular day of January or until their successors are qualified.

Members of said commission shall be residents of said city and upon ceasing to be such residents shall be removed from the commission by operation of law. Persons shall be appointed to said commission so that each district shall have at least one member.

The town manager shall annually designate one member as chairman, who shall coordinate the administrative affairs of the commission. Said commission shall provide for a vice-chairman, treasurer and secretary.

Three members shall constitute a quorum and except as otherwise provided by law or charter, a motion may be passed by the affirmative vote of a majority of those present.

The commission shall from time to time adopt rules for its proceedings. Such rules shall provide for the holding of regular and special meetings.

(2) The sewer and water systems shall remain a division of the department of public works and shall be operated on a day to day basi
s under the direction of the director of said department.

The commission shall have the following powers and duties:

(a) No expenditure exceeding twenty-five thousand dollars shall be made without prior approval of the commission.

(b) No contract exceeding one hundred thousand dollars shall be executed without prior approval of the commission.

(c) May establish regulations, policies and procedures for the administration of the water and sewer division regarding personnel and operations.

(d) Shall have control over the use of all water and sewer facilities and properties and be responsible for the maintenance and repair of all such property, subject to the provisions of section 3-2(g) of this charter. Said commission shall keep a full and complete inventory of all real and personal property of the systems.

(e) May require any town officer to appear before it and give such information as it may require in relation to functions of the water and sewer division.

(f) May perform such other acts as required by the town manager or town council.

(3) The commission shall submit its annual budget to the town manager. For the purposes of chapter forty-four of the General Laws, the commission shall be considered a department of said city. Said budget shall be published and a hearing held in accordance with the provisions of the charter.

The city is hereby authorized to establish an "Enterprise Fund" under the provisions of section thirty-nine K of chapter forty of the General Laws for the operation of the sewer and water commissions.

(4) The commission may establish such fees, charges and costs, provided, however, that no fee, charge or cost may be implemented until a joint public hearing shall be held by the commission and town council. Said hearing shall be held within forty-five days of the commission's vote to establish such fee, charge or cost. Said public hearing shall be advertised in a newspaper of general circulation in said city at least seven days prior to the hearing. The council may within thirty days of the hearing vote to rescind or modify such fee, charge or cost.

SECTION 3. Except as otherwise prohibited by law or the charter, and, upon recommendation of the commission, the town council may, by ordinance, reorganize, consolidate or abolish any existing division of the sewer and water commission, in whole or in part, or establish any new division; provided, however, that no such reorganization, consolidation, abolishment or creation shall occur unless and until the manager shall so approve such change.

Every person holding a position in the department, authority, board or commission which has been abolished or merged shall be transferred to the sewer and water commission without reduction in compensation or impairment of civil service rights, if any, or retirement pension rights, seniority, vacation or sick leave benefits.

All books, papers, documents, equipment, lands, interests in buildings, building facilities and other property, both personal and real, which are in the custody of any agency, board or commission or which relate to their functions, powers and duties, in whole or in part, which are transferred to the sewer and water commission shall be transferred to such commission as of the effective date of this act, or date established by ordinance.

All petitions, hearings and other proceedings duly brought before and all

prosecutions and legal and other proceedings duly begun by any agency, board or commission which arise from or relate to the exercise of the powers or duties of said agency, board or commission and which are pending immediately prior to the effective date of this act, or date established by ordinance, shall continue unabated and remain in force notwithstanding the passage of this act and shall be continued by the sewer and water commission.

SECTION 4. The town council may, by ordinance establish an annual stipend for commission members and may provide for reimbursement of their actual expenses incurred in carrying out their duties.

SECTION 5. All provisions, powers and duties vested hereunder shall become effective upon that date as established in an ordinance creating the sewer and water commission for the city known as the town of Methuen; and all appointments to the commission shall be so initially made so as to insure that as nearly one-third of their number shall be appointed annually; each to hold office for three years thereafter until his successor is duly appointed.

The first members appointed to the commission shall be appointed as follows: two members to serve until the first secular day of the following year; two members to serve until the first secular day of the following second year; and one member to serve until the first secular day of the following third year.

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

Approved November 21, 1989.

Chapter 540. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF AYER TO ACT AS THE BOARD OF PUBLIC WORKS AND WATER COMMISSIONERS IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Ayer shall have and exercise all the powers, rights and duties now or from time to time vested by any general or special law in the board of public works and the board of water commissioners.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary any actions taken by the board of selectmen of the town of Ayer acting as the board of public works or the board of water commissioners prior to the effective date of this act are hereby ratified, validated and confirmed as if section one was in effect at the time such actions were taken.

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

Approved November 21, 1989.

Chapter 541. AN ACT FURTHER REGULATING THE PROCEDURE FOR JUDICIAL APPEAL OF CERTAIN DISPUTES.

Be it enacted, etc., as follows:

Subparagraph (c) of paragraph (1) of section 39Q of chapter 30 of the General Laws, as amended by chapter 240 of the acts of 1987, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Within twenty-one calendar days of the receipt of a written decision or of the failure to issue a decision as stated in the preceding subparagraph, any aggrieved party may file a notice of claim for an adjudicatory hearing with the division of hearing officers or the aggrieved party may file an action directly in a court of competent jurisdiction and shall serve copies thereof upon all other parties in the form and manner prescribed by the rules governing the conduct of adjudicatory proceedings of the division of hearing officers.

Approved November 21, 1989.

Chapter 542. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF WORTHINGTON TO SUSANNAH T. BROWN AND DOUGLAS R. SCHNARE.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations is hereby authorized, in the name of and on behalf of the commonwealth, subject to the provisions of sections forty E to forty I, inclusive, of chapter seven of the General Laws to convey, by deed approved as to form by the attorney general, any right, title or interest of the commonwealth in certain land in the town of Worthington to Susannah T. Brown and Douglas R. Schnare upon such terms and conditions as said division in consultation with the division of fisheries and wildlife shall prescribe. Said parcel is shown as Parcels 1 and 2 inclusive on a plan of land entitled "Plan of Land in Worthington, Massachusetts, surveyed for Susannah T. Brown and Douglas R. Schnare," dated October 24, 1986, and last revised March 9, 1988, as prepared by Bruce A. Coombs, R.L.S., a copy of said plan to be recorded with said deed in the Hampshire county registry of deeds, and thereby conveying any and all right, title and interest of the commonwealth in that portion of said parcel which is shown as Area "A" on said plan.

SECTION 2. Consideration to be paid for the release of all the commonwealth's right, title and interest, as stated in section one, shall be the clarification of

ownership and the establishment and survey of new boundary lines pursuant to section three of this act, for the Fox Den wildlife management area, by the conveyance of all right, title and interest of Susannah T. Brown and Douglas R. Schnare in area "B" shown on a Plan of Land in Worthington, Massachusetts, surveyed for Susannah T. Brown and Douglas R. Schnare dated October 24, 1986, and last revised March ninth, nineteen hundred and eighty-eight, as prepared by Bruce A. Coombs, R.L.S., to the commonwealth, described as follows: Beginning at an iron pipe, on the westerly side of West Street, Worthington, Massachusetts, being the northeast corner of Parcel 2, described in the aforementioned plan of land; thence, N 83 49' 44" W, along the northerly sideline of Parcel 2, to a point at an intersection with the westerly boundary line of Commonwealth of Massachusetts, Division of Fisheries and Wildlife property (Book 2830, page 361) now or formerly of one Paldus; thence northeasterly along said westerly boundary line to an intersection of an "approximate location of old occupation line"; thence southeasterly along said "Approximate location of old occupation line", to a point on the westerly side of West Street; thence S 06 37' 27" W along said West Street to the point of beginning. Said area to be 2.3 acres, more or less.

Said Area "B" being also described as beginning on the Westerly side of the highway running from Chester to Worthington, now known as West Street, at the Southeasterly corner of land hereby conveyed; thence Northerly along the Westerly side of said West Street One Hundred (100) rods, more or less, to land now or formerly of one Paldus; thence Westerly along last named land to land supposed to belong now or formerly to Hampden Council of Boy Scouts; thence Southerly along last named land in a line parallel to the first described course One Hundred (100) rods, more or less, to a stake and stones; thence Easterly in a straight line Thirty-Five (35) rods; more or less, to the place of beginning.

Excepting from the aforesaid premises that certain tract or parcel of land conveyed by Joseph Madison and Tecla C. Madison to Samuel Monteleone and Virginia Monteleone, dated July 19, 1977, recorded in the registry of deeds in Hampshire county, Book 1964, Page 292.

Excepting from the aforesaid premises that certain tract or parcel of land conveyed by Tecla C. Madison by attorney Dolores Cifarelli to Susannah T. Brown and Douglas R. Schnare, recorded in the registry of deeds in Hampshire county, Book 2736, page 66; also described as land conveyed by Susannah T. Brown and Douglas R. Schnare to Scott Hamilton, Book 2945, page 337, and Scott Hamilton to Susannah T. Brown and Douglas R. Schnare, Parcel 2 in Book 2945, page 339 and Parcel 4 in Book 2945, page 441.

SECTION 3. A boundary line agreement incorporating and confirming the legal descriptions as set forth in sections one and two shall be recorded simultaneously with the deed and plan referenced within this act.

SECTION 4. Susannah T. Brown and Douglas R. Schnare shall assume all costs

for appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of this property.

Approved November 21, 1989.

Chapter 543. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE THE BLUE HILLS SKI AREA FOR RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws, to execute and deliver in the name and on behalf of the commonwealth to an entity with experience in the management and operations of recreational facilities, one or more instruments to lease property, located in the town of Canton, known as the "Blue Hills Ski Area", for recreational purposes. Said lease shall be subject to such terms and conditions as determined by the deputy commissioner in consultation with the metropolitan district commission.

Said property is shown and described in Plans numbered 40489 through 40491 inclusive of the parks-engineering division of the metropolitan district commission.

Said lease shall be for a period not to exceed ten years. The deputy commissioner, in consultation with the metropolitan district commission, may renew such lease for additional five year periods.

Approved November 21, 1989.

Chapter 544. AN ACT PROHIBITING SEXUAL HARASSMENT IN HOUSING.

Be it enacted, etc., as follows:

The first paragraph of section 4 of chapter 151B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following subsection:-

18. For the owner, lessee, sublessee, licensed real estate broker, assignee, or managing agent of publicly assisted or multiple dwelling or contiguously located housing accommodations or other covered housing accommodations, or other person having the right of ownership or possession, or right to rent or lease, or sell or negotiate for the sale of such accommodations, or any agent or employee of such person or any organization of unit owners in a condominium or housing

person or any organization of unit owners in a condominium or housing cooperative to sexually harass any tenant, prospective tenant, purchaser or prospective purchaser of property.

Approved November 21, 1989.

Chapter 545. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF PERU TO HOWARD H. BLAKE.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized subject to the provisions of section forty F 1/2 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 Peru, to Howard H. Blake, subject to such terms and conditions as the deputy commissioner may prescribe in consultation with the division of wildlife and fisheries.

Said land being bounded and described as follows:-

Beginning at a point which marks the intersection of the northerly line of the road leading from Hinsdale to East Windsor and the easterly line of land conveyed by the Grantor herein to Robert W. Torrey, et ux, by deed dated May 25, 1953, recorded in the Berkshire Middle District Registry of Deeds in Book 599, Page 229; running thence in said easterly line of the said line so conveyed to said Torrey, 300 feet more or less to an old stone wall; thence easterly along said old stone wall 300 feet more or less to the point where said old stone wall intersects the westerly line of the brook; thence southerly along the westerly line of the brook to its intersection with the said northerly line of the road first above mentioned; thence southwesterly in said northerly line of said road 300 feet more or less to the place of beginning.

SECTION 2. It shall be a condition of the conveyance authorized in section one that Howard H. Blake shall have signed an agreement relinquishing any and all rights he or his heirs, successors, or assigns may be, or may have been entitled to for compensation, including interest accrued thereon, either from the commonwealth or the said town of Peru for reimbursement for any or all back taxes which the said grantee in title has paid on the parcel described in section one from the time of taking to the date of conveyance.

Approved November 21, 1989.

Chapter 546. AN ACT REGULATING THE SALE OF CRABMEAT.

Be it enacted, etc., as follows:

Chapter 130 of the General Laws is hereby amended by inserting after section 51, as appearing in the 1988 Official Edition, the following section:-

Section 51A. No retail establishment or person shall sell or represent for the purpose of sale, any item as crabmeat unless the same is from crustaceans of any species of crab, so-called. A retail establishment or person selling a product which contains crabmeat in any proportion shall list separately the names and percentages of all noncrabmeat substances contained therein. A violation of any provision of this section shall be punishable by a fine of not less than fifty nor more than five hundred dollars.

Approved November 21, 1989.

Chapter 547. AN ACT INCREASING THE AMOUNT OF CERTAIN RETIREMENT OR DEATH BENEFITS WHICH MAY BE PAID BY THE WESTON POLICE RELIEF ASSOCIATION, INCORPORATED.

Be it enacted, etc., as follows:

Chapter 354 of the acts of 1986 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. The Weston Police Relief Association, Incorporated, a corporation duly established under the laws of the commonwealth, is hereby authorized to pay an amount not exceeding twenty thousand dollars to a member of the Association in good standing upon said member's retirement or separation with twenty or more years of service as a permanent officer of the police department of the town of Weston. Any member of the Association in good standing with less than twenty years of service upon retirement or separation shall receive one-twentieth of said twenty thousand dollars for every year served as a member of said Weston Police Relief Association, Incorporated.

Section 2. The Weston Police Relief Association, Incorporated is hereby authorized to pay, in lieu of retirement or separation benefit, an amount not exceeding twenty thousand dollars to the designated beneficiary of a retired, separated or nonretired member of the Association upon the death of said member.

Approved November 21, 1989.

Chapter 548. **AN ACT AUTHORIZING THE TOWN OF PLAINVILLE TO TRANSFER CONTROL OF CERTAIN PARCELS OF LAND.**

Be it enacted, etc., as follows:

SECTION 1. The town of Plainville is hereby authorized to transfer the care, custody and control of a certain parcel of land presently under the care, custody and control of the conservation commission and town forest committee of said town to the board of water commissioners to be used for water supply purposes.

Said parcel is drawn as a part of lots 73, 74 and 75 on board of Assessors Map 7, and of lot 39 on board of Assessors Map 11.

SECTION 2. The town of Plainville is hereby authorized to transfer care, custody and control of a certain parcel of land presently under the care, custody and control of the town forest committee to the board of water commissioners to be used for water supply purposes.

Said parcel is bounded and described as follows:-

Beginning at a point on East Bacon Street at the southwesterly corner of land of the town of Plainville now under the care, custody, management and control of the Board of Water Commissioners; thence running S 81° 54' 10" W along East Bacon Street a distance of 349.87 feet, more or less, to a bound at a curve having a radius of 150.00 feet; thence running along said curve a distance of 177.41 feet, more or less; thence running N 30° 19' 55" a distance of 210.00 feet, more or less, to a point; thence turning and running N 81° 54' 10" E a distance 420.00 feet, more or less to a point; thence turning and running S 35° 07' 59" E a distance of 330 feet, more or less, to the point of beginning.

SECTION 3. Said transfer under the provisions of this act shall be subject to the restriction that said land shall be used only for, or in connection with water purposes and that said land shall revert to said town if used for any other purpose.

Approved November 21, 1989.

Chapter 549. **AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO INCREASE THE PENSION PAID TO GEORGE N. CHESTER, JR., A FORMER MEMBER OF THE POLICE DEPARTMENT OF SAID CITY.**

Be it enacted, etc., as follows:

Chapter 325 of the acts of 1977 is hereby amended by striking out, in lines 6 and 7, the words "six thousand five hundred dollars per year" and inserting in place thereof the words:- nine thousand three hundred twenty-eight dollars per year;

provided, however, that said city may annually increase the pension paid to said George N. Chester, Jr. based on the cost of living percentum increase determined by the general court in accordance with the provisions of section one hundred and two of chapter thirty-two of the General Laws.

Approved November 21, 1989.

Chapter 550. AN ACT AUTHORIZING THE TOWN OF TOWNSEND TO APPOINT THE TOWN TREASURER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Townsend shall appoint a suitable person as town treasurer for a three year term, and the person so appointed shall have all the powers and duties by law vested in the office of treasurer. Any vacancy in such office shall be filled in a like manner for the unexpired portion of the term.

Approved November 21, 1989.

Chapter 551. 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 Steven Martin Glickel of the city of Boston, in the city of Cambridge on November twenty-fifth, nineteen hundred and eighty-nine between Nancy Marie Kelly and Richard Frederick Stutman both of the city of Boston, and the state secretary shall issue to said Steven Martin Glickel a certificate of such authorization.

Approved November 22, 1989.

Chapter 552. 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 Peter C. McCarthy, in the city of Boston, on November twenty-sixth, nineteen hundred and eighty-nine, between Donna Blythe Shaw and John Joseph McColgan, both of the city of Boston, and the state secretary shall issue to said Peter C. McCarthy a certificate of such authorization.

Approved November 22, 1989.

Chapter 553. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO APPOINT SPECIAL POLICE OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. The board of police commissioners of the city of Westfield may appoint such special police officers for the city of Westfield as they deem necessary for the safety and protection of the public.

SECTION 2. Said special police officers shall have the same power to make arrests and to perform other police functions as permanent intermittent police officers of the city of Westfield, and shall be subject to the same training requirements as said permanent intermittent police officers.

SECTION 3. Said special police officers shall be appointed upon the effective date of this act and thereafter annually in the month of January and shall serve for a term of one year, subject to removal by the board of police commissioners. Said special police officers shall be sworn before the city clerk of the city of Westfield, 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 28, 1989.

Chapter 554. AN ACT FURTHER REGULATING THE SALE OF FIREARMS, RIFLES, SHOTGUNS AND AMMUNITION.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by striking out section 130, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien eighteen years of age or older who does not hold a permit card issued to him under section one hundred and thirty-one H or, except as provided in this section or section one hundred and thirty-one E, whoever sells or furnishes any alien or any person under eighteen years of age a firearm, rifle, shotgun, machine gun or ammunition shall have his license to sell firearms, rifles, shotguns, machine guns and or ammunition revoked and shall not be entitled to apply for such license for ten years from the date of such revocation and shall be punished by a fine of not less than five hundred nor more than one thousand dollars. Nothing in this section or section one hundred and thirty-one E shall be construed to prohibit a parent or guardian from allowing his child or ward, who has not attained age fifteen, the supervised use of a rifle or shotgun or ammunition therefor, according to the provisions of section one hundred and twenty-nine C, nor from furnishing such child or ward, who has attained age fifteen, with a rifle or shotgun or ammunition; provided, however, that said child or ward, being fifteen years of age or older, has been issued a valid firearm identification card or alien permit to possess a rifle or shotgun which is in his possession. Nothing in this section shall be construed to prohibit an instructor from furnishing rifles or shotguns or ammunition therefor to pupils; provided, however, that said instructor has the consent of a parent or guardian of a pupil under the age of eighteen years.

Approved November 28, 1989.

Chapter 555. AN ACT RELATIVE TO REPORTING THE RELEASE OF SEXUALLY DANGEROUS PERSONS.

Be it enacted, etc., as follows:

Section 9 of chapter 123A of the General Laws, as most recently amended by

chapter 116 of the acts of 1987, is hereby further amended by striking out the last sentence and inserting in place thereof the following two sentences:- Upon such discharge, notice shall be given to the center, to the commissioners of mental health, correction and public safety, to the attorney general, to the district attorney in the district from which the commitment originated, to the police department of the city or town from which the commitment originated, the police department of the town of Bridgewater, the police department where such person is anticipated to take up residency, and any victim of the sexual offense from which the commitment originated; provided, however, that said victim has requested notification pursuant to section three of chapter two hundred and fifty-eight B. If such victim is deceased at the time of such discharge, notice of such discharge shall be given to the parent, spouse or other member of the immediate family of such deceased victim.

Approved November 28, 1989.

Chapter 556. AN ACT RELATIVE TO THE TRANSFER OF OUT OF WEDLOCK BIRTH RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 46 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No birth record of a child born out of wedlock or of a child of abnormal sex shall be so transmitted to any other city or town except with the written authorization of the natural mother at the time of the birth.

SECTION 2. The birth records of children born out of wedlock prior to the effective date of this act may be transmitted to the city or town of the mother's residence upon presentation to the clerk of acceptable documentary evidence of her residence at that time and completion of an affidavit as specified under section thirteen of chapter forty-six of the General Laws.

Approved November 28, 1989.

Chapter 557. AN ACT RELATIVE TO AUTOMATIC SPRINKLER SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 85 of chapter 146 of the General

Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- No person, firm, organization or corporation shall receive a license as a fire protection sprinkler system contractor unless the application therefor designates at least one of its officers, partners, or manager, as its representative for the purpose of obtaining its said license and such officer, partner, or manager, so designated shall apply to the bureau for a fire protection sprinkler system contractor's license in his own name at the time. Said license shall contain the name of the fire protection sprinkler system's firm, organization, corporation and the name of the individual who actually holds a fire protection sprinkler system contractor's license.

SECTION 2. Section 26H of chapter 148 of the General Laws, as amended by chapter 330 of the acts of 1989, is hereby further amended by adding the following paragraph:-

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement or direction under the provisions of this section, may within forty-five days after the service of notice thereof, appeal from such interpretation, order or requirement to the board of appeals of the fire safety commission as provided in section two hundred and one of chapter six.

SECTION 3. Section 9 of chapter 616 of the acts of 1987 is hereby amended by striking out, in lines 7 and 8, the words "within one year of the effective date of this act" and inserting in place thereof the following words:- before April first, nineteen hundred and ninety.

Approved November 28, 1989.

Chapter 558. AN ACT RELATIVE TO PRIVATE CAREER SCHOOLS.

Be it enacted, etc., as follows:

Section 7B of chapter 15A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "commonwealth", in lines 3 and 4, the following words:- with the exception of non-degree granting private career schools.

Approved November 28, 1989.

Chapter 559. AN ACT RELATIVE TO THE ASSIGNMENT OF AN ESTATE TO SPOUSES IN CERTAIN DIVORCE PROCEEDINGS.

Be it enacted, etc., as follows:

Section 34 of chapter 208 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the third sentence the following sentence:- In fixing the nature and value of the property to be so assigned, the court shall also consider the present and future needs of the dependent children of the marriage.

Approved November 28, 1989.

Chapter 560. **AN ACT FURTHER REGULATING THE NOTIFICATION REQUIREMENTS OF THE DEPARTMENT OF SOCIAL SERVICES IN CHILD ABUSE CASES.**

Be it enacted, etc., as follows:

Clause (4) of section 51B of chapter 119 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

The department shall forward to the local law enforcement authorities in the town in which the child resides a copy of the report provided to the district attorney pursuant to this clause.

Approved November 28, 1989.

Chapter 561. **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 NORTH READING.**

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 North Reading 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 North Reading.

SECTION 2. General Powers.

The town of North Reading may, by by-law, regulate rents for the use or occupancy of mobile home park accommodations in said town, establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations in the town and evictions of tenants therefrom and may, by by-law, require registration by owners of mobile home park accommodations, under penalty of perjury, or 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 park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any by-law adopted pursuant to this act or any order of the rent board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. Regulating Rents.

In regulating such rents for such mobile home park accommodations, the rent board established under section two may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for the mobile home park accommodations in said town are established at levels which yield to owners a fair net operating income for such units. Said town in its by-laws or said rent board by regulations may establish further standards and rules consistent with this act. If the maximum rent is not otherwise established, it shall be established by the board. Any maximum rent may be subsequently adjusted under this act.

SECTION 4. 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 any agency order.

SECTION 5. Conference of Jurisdiction.

(a) The Woburn 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 by-law adopted thereunder, and may restrain violations thereof.

SECTION 6. Defense to Summary Process for Possession.

The town of North Reading may by by-law 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 eight 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 park 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, or the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the town of North Reading 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 park 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 discontinuance 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 North Reading, 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 park 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 park accommodations in the town of North Reading 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 North Reading. 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 eight 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 eight 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 North Reading.

Approved November 28, 1989.

Chapter 562. AN ACT RELATIVE TO THE MEMBERSHIP OF COUNTY RETIREMENT SYSTEM BOARDS.

Be it enacted, etc., as follows:

The third paragraph of paragraph (b) of subdivision (3) of section 20 of chapter 32 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The elected member shall be an active or retired member of the county retirement system or one whose retirement is being reimbursed by that

system in accordance with the provisions of paragraph (c) of subdivision (8) of section three.

Approved November 28, 1989.

Chapter 563. **AN ACT RELATIVE TO THE TAKING OF THE OATH OF OFFICE OF CERTAIN CITY OFFICIALS OF THE CITY OF NEW BEDFORD.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter forty-three of the General Laws or any other general or special law to the contrary, the mayor-elect if elected by the people, the councillors-elect and the assessors-elect if elected by the people of the city of New Bedford, shall meet and be sworn to the faithful discharge of their duties on the first Monday in January following a regular election at seven o'clock post meridiem.

Approved November 28, 1989.

Chapter 564. **AN ACT RELATIVE TO THE INSTALLATION OF A CERTAIN PLAQUE ON THE EXTERIOR OF THE STATE HOUSE GARAGE, SO-CALLED.**

Be it enacted, etc., as follows:

The George B. Henderson Foundation is hereby authorized to install a plaque commemorating the origin of the name "Derne Street" on the Derne street wall of the garage to be constructed on the east side of the state house annex.

The Massachusetts art commission and the Massachusetts historical commission, jointly, shall act in an advisory capacity with regard to the design and location of said plaque.

Approved November 28, 1989.

Chapter 565. **AN ACT FURTHER REGULATING CERTAIN EFFECTIVE DATES IN THE WORKERS' COMPENSATION LAW.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section two A of chapter one hundred and

fifty-two of the General Laws, section sixty-five of said chapter one hundred and fifty-two shall apply to an injury occurring on or after December tenth, nineteen hundred and eighty-five, except said section sixty-five shall apply to an injury for which compensation is payable under sections thirty-four B and thirty-five C of said chapter one hundred and fifty-two, regardless of the date of such injury.

Approved November 29, 1989.

Chapter 566. AN ACT FURTHER REGULATING CONTRACTS OF THE DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

Chapter 81 of the General Laws is hereby amended by inserting after section 8, as appearing in the 1988 Official Edition, the following section:-

Section 8A. Every contract for engineering survey services awarded by the department shall be awarded to the lowest responsible and eligible bidder on the basis of competitive sealed bids publicly opened and read forthwith upon expiration of the time for filing thereof; provided, however, that the department may reject any and all bids if it is in the public interest to do so.

For purposes of this section, the term "lowest responsible and eligible bidder" shall have the same meaning as is set forth in paragraph (c) of section thirty-nine M of chapter thirty.

Approved November 29, 1989.

Chapter 567. AN ACT RELATIVE TO VOTER REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section 42B of chapter 51 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second paragraph.

SECTION 2. Said chapter 51 is hereby amended by inserting after section 42E, as so appearing, the following section:-

Section 42F. At every registration session held pursuant to this chapter, a registrar or assistant registrar shall 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 such registrant claims to reside, and said registrars shall receive such affidavits as provided in sections forty-six to forty-seven B, inclusive. The state secretary shall prescribe forms for the purposes of registrations conducted

under this section which shall be of a different color from forms used in registering persons who live in the city or town where the registration takes place. Said forms shall contain the information provided for in section thirty-six and shall also include space for the name of the registrar, assistant registrar or special registrar before whom said affidavit was executed, and a space for the name of the city or town where such registration was conducted and what proof of residence was offered, if any.

Said forms shall also contain the following statement: A copy of this document may be forwarded to the department of revenue and the registry of motor vehicles.

Approved November 30, 1989.

Chapter 568. **AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO RELOCATE A CERTAIN WATER LINE EASEMENT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Water Resources Authority, acting by and through its board of directors, is hereby authorized to relocate all or portions of the water line easement laid out by a taking by the commonwealth, dated May 14, 1897 and recorded with Suffolk county registry of deeds in Book 2441, Page 586.

SECTION 2. Such relocation shall be for the purpose of permitting the site of the Commonwealth Armory, so-called, at 899-925 Commonwealth avenue, in the city of Boston, to be more efficiently used for building purposes, and the cost of such relocation shall not be borne by the Authority.

SECTION 3. The location of and equipment within the relocated water line easement shall provide for the passage of water in the same or greater volume and as conveniently as does the present location and equipment.

SECTION 4. The Authority may effect such relocation by means of an exchange of locations by gift, grant, release or taking; provided, however, that such exchange shall be at no cost to the Authority.

SECTION 5. When the new location has been established by the recording with the Suffolk county registry of deeds of a suitable instrument or instruments and plan or plans executed by the Authority, all rights of the commonwealth and agencies of the commonwealth within that portion of the present location which has been relocated pursuant to this act shall be extinguished forever.

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

Approved December 1, 1989.

Chapter 569. **AN ACT FURTHER REGULATING CLINICAL LABORATORIES.**

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 111D of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "officers", in line 22, the following words:- ; or (e) any laboratory maintained exclusively for a health promotion screening program, as defined in regulations of the department, which does not provide reports for diagnosis or treatment of patients and which meets standards for such program established by the department.

SECTION 2. Section 8 of said chapter 111D, as so appearing, is hereby amended by inserting after the word "laboratory", in line 28, the words:- , or unless such examination is for the purpose of providing a health promotion screening program and is not used for diagnosis or treatment of patients.

SECTION 3. Said section 8 of said chapter 111D, as so appearing, is hereby further amended by inserting after the word "laboratory", in lines 35 and 36, the words:- , or unless such examination is for the purpose of providing a health promotion screening program and is not used for diagnosis or treatment of patients.

Approved December 1, 1989.

Chapter 570. **AN ACT AUTHORIZING THE TOWN OF LINCOLN TO SELL WATER TO THE FORESTER ROAD DEVELOPMENT IN THE CITY OF WALTHAM.**

Be it enacted, etc., as follows:

The town of Lincoln is hereby authorized to supply and sell water for domestic purposes and for the extinguishment of fires to that portion of the Forester road development, so-called, in the city of Waltham, which is contiguous to the town of Lincoln.

Approved December 1, 1989.

Chapter 571. **AN ACT DESIGNATING A CERTAIN BUILDING OF THE CHELMSFORD HOUSING AUTHORITY AS THE RUTH K. DELANEY HOUSING FOR THE ELDERLY.**

Be it enacted, etc., as follows:

The North School Project 667-5D of the Chelmsford Housing Authority shall be designated and known as the Ruth K. Delaney Housing for the Elderly.

Approved December 1, 1989.

Chapter 572. AN ACT RELATIVE TO FILING STATEMENTS WITH APPROPRIATE OFFICERS.

Be it enacted, etc., as follows:

Chapter 55 of the General Laws is hereby amended by striking out section 24, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 24. If the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election to a city or town office, or to a question appearing upon the official ballot used at a city or town election, the statement shall be filed with the clerk of the city or town involved; 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; if the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election for district office as provided in sections one hundred and thirteen to one hundred and nineteen, inclusive, of chapter forty-one, the statement shall be filed with the clerk of the district; all other such statements shall be filed with the director. All such statements shall be signed under the penalties of perjury.

Approved December 1, 1989.

Chapter 573. AN ACT RELATIVE TO ALTERNATIVE JUDICIAL REVIEW IN CERTAIN ADMINISTRATIVE PROCEEDINGS.

Be it enacted, etc., as follows:

Section 21 of chapter 94A of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding other provisions of this section, a person aggrieved by the adoption of a regulation as defined in clause (5) of section one of chapter thirty A may elect alternative judicial review of such regulation through a proceeding for declaratory relief in the same manner and to the extent provided under chapter two

hundred and thirty-one A.

Approved December 1, 1989.

Chapter 574. AN ACT RELATIVE TO AUTOMOBILE INSURANCE DUMPING.

Be it enacted, etc., as follows:

Section 34 O of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

An insurer shall not make payments to an individual seeking to collect payment under the provisions of this section, unless the individual has presented a signed direction to pay on a form described by the commissioner for the loading, unloading and storage of the damaged vehicle to the legally entitled certified carrier or garageman. All payments to any such certified carrier or garageman shall be made in accordance with the requirements of the completed work claim form as prescribed in this section.

Approved December 1, 1989.

Chapter 575. AN ACT RELATIVE TO FUEL SALES AND DELIVERIES.

Be it enacted, etc., as follows:

Section 303F of chapter 94 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:-

Whoever sells or delivers fuel oils or propane in quantities of twenty gallons or over for heating or cooking purposes shall cause a delivery ticket, which shall consist of an original and at least one carbon copy thereof, to be issued. Said ticket shall be serially numbered for the purpose of identification and shall have the date of delivery as well as the names and addresses of the seller and of the purchaser legibly recorded on the ticket prior to delivery of the fuel oil or propane. A statement of quantity of fuel oil or propane delivered, in terms of gallons and fractions thereof, if any, the price per gallon, the grade of fuel, and the identity of the person making such delivery, shall also appear on the ticket. One copy of said ticket shall be delivered to the purchaser or his agent at the time of delivery of such fuel oil or propane unless the purchaser initiates a request in writing that the vendor deliver such ticket to another person or location, or that the delivery of such ticket

be made at another time. Another copy of the ticket shall be retained by the seller for a period of two months. The director or inspector of standards, sealer or deputy sealer, inspector or deputy inspector of weights and measures shall, at the time of delivery of fuel oil or propane, be authorized to enter and go into or upon, without warrant, any such vehicle to inspect or examine the metering system, vehicle tank compartments and delivery tickets then in the actual possession or under the control of the person making the delivery and may seize, without warrant, any such delivery tickets suspected of constituting a deceptive or fraudulent practice. No copy or retained delivery ticket shall be destroyed but may be voided and kept on file.

On deliveries of fuel oils and propane made through a meter, the quantity determinations of the fuel oil or propane delivered, shall be mechanically printed on the ticket at the time of delivery. A sales sequence number shall also be mechanically printed on the ticket by the ticket printing mechanism of the metering system, unless the printing mechanism is of the cumulative type. The sales sequence number shall not be returnable to zero until it has reached its highest attainable number.

Approved December 5, 1989.

Chapter 576. **AN ACT ALLOWING CERTAIN COURT OFFICERS OF THE COMMONWEALTH TO SERVE BEYOND AGE SEVENTY.**

Be it enacted, etc., as follows:

Section 72 of chapter 221 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 5, the words "but not beyond age seventy years".

Approved December 5, 1989.

Chapter 577. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND IN THE TOWN OF CLINTON.**

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a term of five years, with an option to extend for like terms thereafter, a certain parcel of land located in the town of

Clinton, to an individual or entity, subject to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission said land being more fully described as follows:

Beginning at a stone monument located N 50°-45'-00" E, one hundred seventy-two 35/100 (172.35) feet from a stone monument located on the northerly side of Route 110 and northeasterly side of South Meadow Road.

Thence northeasterly along the northerly side of Route 110 on a curve having a radius of six hundred three and 69/100 (603.69) feet and arc distance of four hundred fifty-three and 83/100 (453.83) feet to a stone monument.

Thence S 86°-11'-00" E eight hundred eight and 94/100 (808.94) feet to a point.

Thence N 16°-42'-00" W seven hundred sixty-two and 38/100 (762.38) feet to a point.

Thence S 67°-44'-00" W eight hundred forty-one and 45/100 (841.45) feet to a point.

Thence N 22°-16'-00" W fifteen and 00/100 (15.00) feet to a point.

Thence S 60°-33'-47" W five hundred two and 17/100 (502.17) feet to a point.

Thence S 39°-15'-00" E three hundred thirty-five and 00/100 (335.00) feet to a stone monument marking the point of beginning of parcel.

Containing 14.5 acres +.

See Wachusett Reservoir Land Survey Plan.

Sheet #16, scale; 1 inch = 100 feet.

Approved December 5, 1989.

Chapter 578. AN ACT RELATIVE TO NOTIFICATION OF INSURANCE CLAIMS.

Be it enacted, etc., as follows:

SECTION 1. Subdivision 4 of section 108 of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) Within fifteen days after an insurer's receipt of notice of claim by a claimant or provider under a policy of accident and sickness insurance which is delivered or issued for delivery in the commonwealth, and which provides hospital expense, surgical expense or dental expense insurance, the insurer shall furnish such forms as are usually furnished by it for filing proofs of loss. Within forty-five days from said receipt of notice if payment is not made the insurer shall notify the claimant in writing specifying the reasons for the nonpayment or whatever further documentation is necessary for payment of said claim within the terms of the policy. If the insurer fails to comply with the provisions of this paragraph for any claims relating

to dental services, said insurer shall pay, in addition to any benefits which inure to such claimant or provider, interest on such benefits, which shall accrue beginning forty-five days after the insurer's receipt of notice of claim at the rate of one and one-half percent per month, not to exceed eighteen percent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim which an insurer is investigating because of suspected fraud.

SECTION 2. Subdivision (G) of section 110 of said chapter 175, as so appearing, is hereby amended by striking out the second p
aragraph and inserting in place thereof the following paragraph:-

Within fifteen days after an insurer's receipt of notice of claim by a claimant under a general or blanket policy of accident and sickness insurance which is delivered or issued for delivery in the commonwealth, and which provides hospital expense, surgical expense or dental expense insurance, the insurer shall furnish such forms as are usually furnished by it for filing proofs of loss. Within forty-five days from said receipt of notice if payment is not made the insurer shall notify the claimant in writing specifying the reasons for the nonpayment or whatever further documentation is necessary for payment of said claim within the terms of the policy. If the insurer fails to comply with the provisions of this paragraph for any claim relating to dental services, said insurer shall pay, in addition to any benefits which inure to such claimant or provider, interest on such benefits, which shall accrue beginning forty-five days after the insurer's receipt of notice of claim at the rate of one and one-half percent per month, not to exceed eighteen percent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim which an insurer is investigating because of suspected fraud.

SECTION 3. Clause (6) of paragraph (c) of section 8 of chapter 176A of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- If the nonprofit hospital service corporation fails to comply with the provisions of this paragraph for any claim relating to dental services, said corporation shall pay, in addition to any benefits which inure to such subscriber or provider, interest on such benefits which shall accrue beginning forty-five days after the corporation's receipt of notice of claim at the rate of one and one-half percent per month, not to exceed eighteen percent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim which a nonprofit hospital service corporation is investigating because of suspected fraud.

SECTION 4. The second paragraph of section 7 of chapter 176B of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- If the medical service corporation fails to comply with the provisions of this paragraph for any claim relating to dental services, said corporation shall pay, in addition to any benefits which inure to such subscriber or provider, interest on such benefits, which shall accrue beginning sixty days after the corporation's receipt of notice of claim at the rate of one and one-half percent per month, not to exceed

eighteen percent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim which a medical service corporation is investigating because of suspected fraud.

SECTION 5. Section 4 of chapter 176E of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Within fifteen days after a dental service corporation's receipt of notice of a claim by a participating dentist under a dental service plan, the dental service corporation shall furnish such forms as are usually furnished by it for filing proofs of loss. Within forty-five days from said receipt of notice if payment is not made the dental service corporation shall notify the claimant in writing specifying the reasons for the nonpayment or whatever further documentation is necessary for payment of said claim within the terms of the policy. If the dental service corporation fails to comply with the provisions of this paragraph, said dental service corporation shall pay, in addition to any benefits which inure to the participating dentist, interest on such benefits, which shall accrue beginning forty-five days after the dental service corporation's receipt of notice of claim at the rate of one and one-half percent per month, not to exceed eighteen percent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim which a dental service corporation is investigating because of suspected fraud.

Approved December 5, 1989.

Chapter 579. AN ACT FURTHER REGULATING THE BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by inserting after section 10A, as appearing in the 1988 Official Edition, the following section:-

Section 10B. There shall be within the division of registration in the executive office of consumer affairs and business regulation a board of registration of physician assistants, herein called the board, to consist of nine members who are residents of the commonwealth, who shall be appointed by the governor, two of whom shall be licensed physicians who shall have been actively engaged in the practice of medicine for at least three years and at least one of whom shall be a member of the Massachusetts Medical Society; one of whom shall be an educator of physician assistants on the faculty or staff of an accredited physician assistant training program; four of whom shall be physician assistants duly certified in the commonwealth who may be selected from a list of names submitted by the Massachusetts Association of Physician Assistants or comparable organization representing physician assistants and two of whom shall be representatives of the

general public.

Members shall be appointed for a term of three years. No member shall be appointed to more than two consecutive full terms; provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term and a former member shall again be eligible for appointment after a lapse of one or more years. Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after being given a written statement of the charges against him and sufficient opportunity to be heard thereon.

Said board shall elect its chairperson annually and shall meet at the call of such chairperson or upon the request of two or more members of the board. A quorum shall consist of at least five members present. Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties. The board shall meet at least four times annually.

SECTION 2. Chapter 112 of the General Laws is hereby amended by striking out sections 9C to 9H, inclusive, as so appearing, and inserting in place thereof the following nine sections:-

Section 9C. As used in sections nine C to nine K, inclusive, the following words shall have the following meanings:

"Approved program", a program for the education and training of physician assistants approved by the board.

"Board", the board of registration of physician assistants.

"Health care facility", any hospital, nursing home, extended care facility, state health or mental institution, clinic, physician's office or health maintenance organization licensed or otherwise operating legally within the commonwealth.

"Physician assistant", a person who is duly registered by the board.

"Physician assistant trainee", a person enrolled in an approved program.

Section 9D. The provisions of sections nine C to nine K, inclusive, shall not apply to services performed in any of the following areas:

(a) The practice of dentistry or dental hygiene as defined in sections fifty and fifty-one.

(b) The practice of manipulative therapy or chiropractic.

(c) The measurement of the powers or range of human vision or the determination of the accommodation and refractive states of the human eye or the scope of its functions in general or the fitting or adaptation of lenses or frames for the aid thereof.

(d) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(e) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(f) The practice of podiatry as defined in section thirteen.

Nothing in clauses (c), (d), or (e) shall preclude the performance of routine

visual screening by a physician assistant.

The provisions of sections nine C to nine K, inclusive, shall not apply to the practice of ophthalmology or to the use of trained assistants by ophthalmologists.

Section 9E. Notwithstanding any other provisions of law, a physician assistant may perform medical services when such services are rendered under the supervision of a registered physician. Such supervision shall be continuous but shall not require the personal presence of the supervising physician or physicians. A registered physician shall supervise no more than two physician assistants at any one time.

Physician assistants, depending upon their level of professional training and experience as determined by a supervising physician, may perform medical services of a general nature and may order tests and therapeutics in assisting physicians in private practice, in group practices or in health care facilities, consistent with any applicable bylaws and policies of such facilities.

A physician assistant may, for patients in long term care facilities or for chronic patients in home care settings where the individual would otherwise require institutionalization, order therapeutics and tests and issue written prescriptions subject to paragraph (g) of section seven of chapter ninety-four C. Any prescription of medication made by a physician assistant must include the name of the supervising physician.

If a physician assistant is employed by a physician or group of physicians, the assistant shall be supervised by and shall be the legal responsibility of the employing physician or physicians. The legal responsibility of such assistant shall remain that of the employing physician or physicians at all times including occasions when the assistant, under the direction and supervision of the employing physician or physicians, aids in the care and treatment of patients in health care facilities.

If a physician assistant is employed by a health care facility, the legal responsibility for his actions and omissions shall be that of the employing facility. Such physician assistants shall be supervised by registered physicians. Such physician assistants employed by health care facilities shall not be utilized as the sole medical personnel in charge of emergency or outpatient services or any other clinical service where a physician is not regularly available.

Notwithstanding any other provisions of law, a physician assistant trainee may perform medical services when such services are rendered within the scope of a program approved under section nine K.

Section 9F. The board shall register and issue certificates of registration to physician assistants in the commonwealth, take appropriate disciplinary action against physician assistants, approve and issue certificates of approval of programs for the training of physician assistants and maintain a current roster of persons serving as physician assistants in the commonwealth as well as a list of approved training programs.

The board shall adopt, amend and rescind such rules and regulations, not inconsistent with other provisions of the General Laws, as it deems necessary to carry out the provisions of this chapter. The board may, in consultation with the board of registration in medicine, and consistent with the authority of the board of registration in medicine over the supervising physician and the practice of medicine, adopt rules and regulations governing the practice and employment of physician assistants in order to promote the public health, safety and welfare.

Section 9G. The board shall keep a record of the names and addresses of all persons registered by it and all programs approved by it and a duplicate thereof shall be open to inspection in the office of the state secretary. The board shall make an annual report on the status of physician assistants in the commonwealth to the governor and the general court.

Section 9H. The board shall investigate all complaints relating to the proper practice of any physician assistant holding a certificate of registration under sections nine C to nine K, inclusive, and all complaints relating to any violation of said sections.

The board may, after a hearing pursuant to chapter thirty A, revoke, suspend or cancel the certificate of registration or reprimand, censure or otherwise discipline a physician assistant registered under said sections nine C to nine K, inclusive upon proof satisfactory to a majority of the board that said physician assistant:

(a) fraudulently procured said certificate of registration;

(b) is guilty of an offense against any provision of the laws of the commonwealth relating to the authorized practice of physician assistants or any rule or regulation adopted thereunder;

(c) is guilty of gross misconduct in practicing as a physician assistant or of practicing fraudulently or beyond the scope of authorized physician assistant practice or with gross incompetence or with gross negligence on a particular occasion or negligence on repeated occasions;

(d) is guilty of practicing as a physician assistant while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;

(e) is guilty of being habitually intoxicated or being or having been within the past two years addicted to, dependent on or a habitual user of narcotics, barbituates, amphetamines, hallucinogens or other drugs having similar effects;

(f) is guilty of knowingly permitting, aiding or abetting an unlicensed person to perform activities requiring a license for purposes of fraud, deception or personal gain, excluding activities permissible under any provision of the laws of the commonwealth relative to the training of medical providers in authorized health care institutions and facilities;

(g) has been convicted of a criminal offense which reasonably calls into question his ability to practice as a physician assistant;

(h) is guilty of violating any rule or regulation of the board governing the

practice of physician assistants.

No person filing a complaint or reporting or providing information pursuant to this section or assisting the board at its request in any manner in discharging its duties and functions shall be liable in any cause of action arising out of the receiving of such information or assistance; provided, however, that the person making the complaint or reporting or providing such information or assistance does so in good faith and without malice. The board shall keep confidential any complaint, report, record or other information received or kept by the board in connection with an investigation conducted by the board pursuant to this section; and provided, further, that, except to the extent that disclosures of records or other information may be restricted as otherwise provided by law or by the board's regulations, investigative records or information of the board shall not be kept confidential after the board has disposed of the matter under investigation by issuing an order to show cause, by dismissing a complaint or by taking other final action nor shall the requirement that investigative records or information be kept confidential, at any time, apply to requests from the person under investigation, the complainant or other state or federal agencies, boards or institutions as the board shall determine by regulation.

Section 9I. All persons serving as physician assistants in the commonwealth shall register with the board by July first, nineteen hundred and ninety and every two years thereafter. Applications for registration shall be submitted in accordance with procedures established by the board.

Each applicant shall furnish the board with satisfactory proof of graduation from a training program approved by the board, having received a bachelor's degree from an accredited college or university or an equivalent approved by the board, and having passed the certifying examination of the National Commission on Certification of Physician Assistants or other such certifying examination as specified or administered by the board. Persons practicing as physician assistants on January first, nineteen hundred and ninety shall be exempt from the requirement of a bachelor's degree. Subject to such rules and regulations as the board may prescribe, an applicant who otherwise meets the qualifications for registration may, while awaiting the results of the certification examination, practice as a physician assistant. An applicant failing such examination shall be entitled to a re-examination within two years of graduation and to practice as a physician assistant until notified of the results of said examination. Thereafter, an applicant may not practice as a physician assistant without having passed the certification examination.

Each application shall be accompanied by payment of a license fee to be determined by the commissioner of administration under the provisions of section three B of chapter seven. An applicant shall submit such proof as required by the board as to the applicant's good moral character. Each applicant shall provide the

board with a current office address and the name and address of any supervising physician.

Every physician assistant shall register biennially with the board. A physician assistant seeking to re-register shall satisfy those requirements of continuing education established by the board by rule and regulation. A registered physician assistant shall promptly notify the board of any change in employment, change of supervising physician or departure from the commonwealth.

Section 9J. Whoever, not being lawfully registered as a physician assistant in the commonwealth in accordance with sections nine C to nine K, inclusive, holds himself out as a physician assistant or uses the title of physician assistant or whoever impersonates another physician assistant or whoever practices or attempts to practice any fraud in connection with the filing of an application or whoever files an application under a false or assumed name or under a name other than his own or whoever impersonates or attempts to impersonate another applicant for registration during an examination, shall be punished by a fine of not less than two hundred dollars. The board may also bring a petition in superior court to enjoin such actions or any other violation of this chapter or regulations of the board.

Section 9K. The board shall issue certificates of approval of programs for the education and training of physician assistants which meet the standards established by the board. The board, in developing criteria for approved programs and in approving such programs may accept as approved programs those that have been certified by a nationally recognized accrediting agency or organization.

The board shall adopt regulations concerning the quality of education and clinical training to be received by a physician assistant trainee and the supervision of a physician assistant trainee.

The board shall encourage the development of continuing education for physician assistants and shall have the authority to adopt rules and regulations as to the type and amount of continuing education required for recertification. The board may periodically review the quality of the curriculum, faculty and the facilities of approved programs.

Approved December 5, 1989.

Chapter 580. AN ACT FURTHER REGULATING DAMAGES UNDER THE CONSUMER PROTECTION ACT.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (3) of section 9 of chapter 93A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the third sentence the following sentence:- For the purposes of this chapter, the amount of actual damages to be multiplied by the court shall be the amount of the

judgment on all claims arising out of the same and underlying transaction or occurrence, regardless of the existence or nonexistence of insurance coverage available in payment of the claim.

SECTION 2. The fifth paragraph of section 11 of said chapter 93A, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For the purposes of this chapter, the amount of actual damages to be multiplied by the court shall be the amount of the judgment on all claims arising out of the same and underlying transaction or occurrence regardless of the existence or nonexistence of insurance coverage available in payment of the claim.

Approved December 5, 1989.

Chapter 581. AN ACT RELATIVE TO THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Paragraph *(b)* of section 8 of chapter 708 of the acts of 1966 is hereby amended by striking out the sixth sentence, as most recently amended by chapter 318 of the acts of 1987, and inserting in place thereof the following sentence:- The aggregate principal amount of such notes and bonds of the MHFA issued to make mortgage loans pursuant to section five, outstanding at any one time shall not exceed the sum of two billion seven hundred million dollars of which one hundred and fifty million dollars shall be used only to make mortgage loans in cities and towns which have been found to have a rate of unemployment at least six percentum in the issue of "Area Trends in Employment and Unemployment" published by the United States Department of Labor for the October preceding the making of any such loan.

SECTION 2. Said paragraph *(b)* of said section 8 of said chapter 708 is hereby further amended by striking out the last sentence, as most recently amended by section 5 of chapter 259 of the acts of 1985, and inserting in place thereof the following sentence:- The aggregate principal amount of notes and bonds of the MHFA and the MHMFA issued to make loans pursuant to section five A of this chapter and chapter eight hundred and forty-six of the acts of nineteen hundred and seventy-four outstanding at any one time shall not exceed the sum of one billion three hundred million dollars.

Approved December 5, 1989.

Chapter 582. AN ACT CREATING THE ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION OF LEOMINSTER.

Be it enacted, etc., as follows:

SECTION 1. In this act unless a contrary intention clearly appears, the following words and phrases shall have the following meanings:

(a) "City", the city of Leominster.

(b) "Corporation", the Economic Development and Industrial Corporation of Leominster created by section three.

(c) "Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after the completion or estimated completion date of any project, planning, engineering and legal services, administrative expenses, the funding of notes issued for capital purposes, such reserves for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or the placing the project in operation.

(d) "Economic development area", any blighted open area or any decadent area, as respectively defined in section one of chapter one hundred and twenty-one B of the General Laws, which is located in the city, and is zoned for general or restricted manufacturing uses or for general or waterfront industrial uses, whether restricted or not, and within which there are not more than forty-five dwelling units.

(e) "Economic development plan", a detailed plan, as it may be approved from time to time by the city council and the mayor under section six, for one or more economic development projects within an economic development area, which plan shall be consistent with local objectives respecting appropriate land uses, and shall be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition, removal, and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning charges, if any, and proposed land uses, maximum densities and building requirements; provided, however, that without specific approval of the city council and of the mayor, no economic development plan shall propose zoning changes to or from business or residential uses or provide for any office building other than one wholly incidental

to a manufacturing or industrial use within the area.

(f) "Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area covered by an economic development plan and for clearance and development of the land so acquired; or (2) a project for the rehabilitation or conservation of an economic development area, or for restoration and renewal of any such area or portion thereof, or for the demolition, removal or rehabilitation of improvements on land within an economic development area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards or eliminate obsolete or other uses detrimental to the public welfare; or (3) a project involving any combination of the foregoing types of project. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation for any site for uses in accordance with the economic development plan and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial or manufacturing uses in accordance with the economic development plan. An economic development project may also include the construction by the corporation of any of the buildings, structures or other facilities for industrial or manufacturing uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in the area covered by the economic development plan and which, under such plan, are to be repaired, moved or rehabilitated.

(g) "Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial establishments by any means.

SECTION 2. It is hereby declared that decadent or blighted open areas exist in parts of the city of Leominster zoned for industrial or manufacturing uses; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the city; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of the city and retards the economic well being of the commonwealth; that each such area decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries, and attract new industries, and promote the sound economic growth of the city; that the menace of such decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt

with effectively by the ordinary operations of private enterprise without the aids herein provided, that the acquisition of property for the purpose of eliminating decadent, substandard or blighted open conditions therein, preventing recurrence of such conditions in the area, the removal of structures, improvements of sites for manufacturing and industrial uses, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the city or any other public body in connection therewith are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, development, rehabilitation or rebuilding of such decadent and blighted open areas for industrial or manufacturing purposes are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of the city and the commonwealth.

It is hereby further found and declared that there exists in the city a condition of substantial and persistent unemployment and underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of the city and adversely affects the welfare and prosperity of the people; that unemployment and underemployment have been caused in part by industrial and manufacturing companies moving from the city; that many existing industrial and manufacturing facilities within the city are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating additional unemployment; that such obsolescence and abandonment of existing facilities are causing serious injury to the economy of the city; that the manufacturing and industrial section of the economy provides the best opportunity for better jobs at higher wages for inhabitants of the city; that new industrial and manufacturing sites are required to attract and house new industries and to retain existing industries in need of expansion space; that the unaided efforts of private enterprise have not provided and cannot provide the necessary industrial sites within the urban environment due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate industrial development projects.

SECTION 3. There is hereby created a public body politic and corporate, to be known as the Economic Development and Industrial Corporation of Leominster, hereinafter in this act called the corporation, which shall be a public instrumentality, consisting of seven persons appointed by the mayor subject to confirmation by the city council, one person who has experience in industrial development activities, one person experienced in financial matters, one person experienced in real estate matters, one person experienced in municipal government, one person

of low income, and two additional persons. The mayor, in making said appointments to the corporation may give priority to residents of the city of Leominster. The mayor shall designate one of the seven members so appointed as chairman and another as vice-chairman. Each of the seven members shall be sworn to the faithful performance of his official duties as a member of the corporation. A majority of the seven members shall constitute a quorum for the transaction of any business. The action of a majority of the entire membership shall be required for any transaction. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be deemed to be a governmental body established by the general court to serve a public purpose.

Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date and three for three years from said date. Upon the expiration of the term of office of any such member, or any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the mayor for malfeasance, misfeasance or willful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived. For the purposes of chapter two hundred and sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the city solicitor and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Each such reimbursement shall be open to public inspection from and after the requisition therefor.

SECTION 4. The members of the corporation shall adopt a corporate seal for the corporation and designate the custodian thereof; may from time to time appoint and at pleasure remove a director, a clerk, a treasurer or such other officers of the corporation as they may deem necessary and may determine their duties and their compensation, which shall be paid by the corporation; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation and shall make a report annually in December to the mayor, the city

council and the city clerk, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof and such other detailed information as may be deemed helpful. The offices of treasurer and clerk may be held by the same person. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as an item of current expense. Except as otherwise provided in this act, the corporation shall have full power to exercise care of its property and the management of its business and affairs and to sell and convey any real estate or other property determined unnecessary for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the members, or in like manner to authorize such sale and conveyance by any of its officers or agents. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the members may determine, the premium therefor to be paid by the corporation. Neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to any person employed or engaged by the corporation under this act.

SECTION 5. The corporation is hereby authorized:

(a) To sue and be sued in its own name and plead and be impleaded;

(b) To adopt by-laws for the regulation of its affairs and the conduct of its business and to alter the same at its pleasure;

(c) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in its judgment and to fix their compensation;

(d) To receive and accept from any federal agency, the commonwealth or the city, grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made;

(e) To borrow money, and, from time to time, to make, accept, endorse, execute and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights or privileges of the corporation;

(f) To issue revenue bonds of the corporation, payable solely from revenues, for the purpose of paying all or any part of the cost of a project or projects;

(g) To invest any funds not required for immediate use or disbursement in certificates of deposit, in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States;

(h) To provide such advisory services and technical assistance as may be desirable to carry out the purposes of this act;

(i) To prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates;

(j) To designate areas of the city as economic development areas subject to the approval of the city council and of the mayor;

(k) To acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and, without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine or chapter eighty A of the General Laws insofar as such provisions may be applicable, such private lands, or any interest herein, as it may deem necessary for carrying out of the provisions of this act or for providing for the relocation of the persons and business displaced as a result of carrying out an economic development plan. The provisions of section forty of said chapter seventy-nine shall apply to any taking by the corporation, except that the security therein required shall be deposited with the collector-treasurer of the city and shall be in an amount at least twenty-five percent higher than the aggregate average assessed valuations in the three previous calendar years of all real estate to be taken by eminent domain. Prior to the approval of an economic development plan by the city council and the mayor, the corporation shall neither acquire any property nor institute any proceeding under chapter eighty A, except for purposes of relocation; provided, however, that if an economic development plan contemplates the taking by eminent domain of lands particularly described therein, and if said plan is approved by the city council and the mayor, the date as of which the value of such lands shall be determined for eminent domain purposes shall be the date on which said economic development plan was first submitted to the city council;

(l) To make relocation payments to persons and businesses displaced as a result of carrying out an economic development plan, including such payments on a pro tanto basis;

(m) To procure insurance against any loss in connection with its property and

other assets and operations in such amounts and from such insurers as it deems desirable;

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

(o) To arrange or contract with the city for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the city of property or property rights or for the furnishing of property or services in connection with a project or projects;

(p) To sell, convey, mortgage, lease, transfer, option, exchange or otherwise dispose of any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law;

(q) To loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default and to bid for the purchase property at any foreclosure or other sale, and in such event, to deal with such property in such manner as may be necessary or desirable to protect the interests of the corporation therein;

(r) To manage any project whether owned or leased by the corporation and to enter into agreements with the commonwealth or the city or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any project to be managed;

(s) To act with respect to one or more projects as a corporation organized under section three or section eighteen B of chapter one hundred and twenty-one A of the General Laws; provided, however, that the accounts for each project shall be kept separately and the income of one project shall not be expended upon or the benefit of another project;

(t) To do all acts and things necessary or convenient to carry out the powers expressly granted in this ordinance;

The corporation is hereby directed to pay the reasonable relocation costs of persons and businesses displaced as a result of carrying out an economic development plan as authorized by clause (l) of this section; provided, however, that the corporation shall not be required hereby to pay or contribute to the payment of such costs of any relocatee in excess of twenty-five thousand dollars.

(u) To borrow money for the purposes of aiding in the construction of equipment required by the commonwealth and the United States to abate air or water pollution.

SECTION 6. No economic development project shall be undertaken until (a) a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice and (b) the economic development plan has been approved by a two-thirds vote of the city council and the approval of the mayor, except that if within ninety days after the submission

of an economic development plan to the city council for approval the city council has not voted, such plan shall be deemed to have been disapproved without prejudice by the city council. If no economic development project covered by an economic development plan is commenced within seven years after the approval of such plan, the approval of such plan shall lapse.

Every economic development plan submitted to the city council for approval under this ordinance shall require that every person occupying the whole or any part of the economic development area covered by such plan during the period of forty years after the approval of such plan shall make every reasonable effort, in employing persons in his business, to give to the fullest practicable extent preference to residents of the city and shall be accompanied by a report on such plan by the planning agency of the city to whom such plan shall have been submitted before its submission to the city council, by a statement of the proposed method for financing each project covered by such plan, by a comprehensive relocation plan and by such other information as the corporation deems advisable.

Notice of the public hearing shall be given by the corporation to (1) such persons, groups and organizations as have requested in writing that such notice be given them, (2) every public agency, whether of the city or of the commonwealth, likely in the judgment of the corporation to have an actual or potential interest in the economic development plan, (3) the senator for every senatorial district of the commonwealth, and the representative for every representative district thereof, within the economic development area or any part thereof, and (4) each publicly appointed or elected local advisory committee, and each community group supported in whole or in part by public funds, whose territory covers all or part of the economic development area. In the course of preparing an economic development plan, the corporation shall consult with each of the aforesaid so far as in the judgment of the corporation it is practicable.

If an economic development plan is approved by the city council and the mayor, the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development projects covered by such plan. The corporation shall not be required to submit an economic development plan so approved to the department of community affairs for further approval.

SECTION 7. Rents and charges for services of facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof and, if derived from a project in connection with which revenue bonds have been issued, shall, with all other revenues derived from the project, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust agreement, but including such part therefor as may be necessary to provide such reserves for the payment of the principal of and the interest on said revenue

bonds as may be provided for in such resolution or trust agreement, and including also the proceeds of any and all sales by the corporation of property within the project area, be set aside at such regular intervals as may be provided or in such resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall become due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.

SECTION 8. The corporation shall be liable in contract or in tort in the same manner as private corporation. The members, employees, officers and agents of the corporation shall not be liable as such in its contracts or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of such agency to pay such judgment. The real estate of the corporation shall not be subject to liens under chapter two hundred and fifty-four of the General Laws, but the provisions of sections twenty-eight and twenty-nine of chapter one hundred and forty-nine of the General Laws shall be applicable to any construction work by the corporation.

SECTION 9. The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments; provided, however, that in lieu of such taxes, betterments and special assessments, a city may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.

The city may, however, agree with the corporation upon the payments to be made to the city or the corporation may make and the city may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation.

Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other real estate acquired by the corporation for an economic development project and sold by it, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed of real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or the entity operating under chapter one hundred and twenty-one A of the General Laws, or to an insurance company or savings bank or group of

savings banks operating under said chapter, shall be taxed as provided in said chapter and not otherwise.

The corporation and the debentures, revenue bonds and revenue refunding bonds issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or any subdivision thereof, to the extent permitted by law.

SECTION 10. To provide funds for the general purposes of the corporation, including working capital, the corporation may from time to time issue debentures; provided, however, that such debentures outstanding at any one time shall not exceed five million dollars. Such debentures shall not be deemed to constitute a debt of the commonwealth or of the city or a pledge of the faith and credit of the commonwealth or of the city and shall be subordinated to all other obligations of the corporation and shall be payable at such time or times and in such installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon but only out of the net earnings of the corporation and in no event at a rate higher than the rate specified therein.

Such debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be located within the commonwealth and shall be a trust company or bank having the powers of a trust company. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the debenture holders as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository under such trust agreement to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement shall set forth the rights and remedies of the debenture holders and of the trustee and may restrict the individual right of action by debenture holders. In addition to the foregoing, the trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the debenture holders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as an item of current expense.

Debentures may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, or things which are specifically required by this act.

SECTION 11. The city may raise and appropriate or may borrow or may agree with the corporation or with the federal government or the commonwealth to raise and appropriate or to borrow, in aid of the corporation, such sums as may be necessary to carry out the purposes and powers of the corporation including

defraying part of the development, acquisition and operating costs of any project; provided, however, that the city shall not borrow, nor agree to borrow, as aforesaid, unless authorized by a vote of two-thirds of the full membership of the city council passed only after two separate readings and by two separate votes, the second of such readings and votes to be had not less than fourteen days after the first. Indebtedness of the city authorized under this section shall be outside the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws and shall be payable within twenty years and otherwise subject to sections sixteen to twenty-seven, inclusive, of said chapter forty-four; provided, however, that the total amount of indebtedness of the city outstanding at any one time under this section and clauses (1), (2) and (4) of section twenty of chapter one hundred and twenty-one B of the General Laws shall not exceed five percent of the city's equalized valuation as defined in section one of said chapter forty-four. Indebtedness incurred under this ordinance shall be subject to approval under section twenty-two of said chapter one hundred and twenty-one B in like manner as indebtedness incurred under said section twenty.

SECTION 12. The corporation is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the corporation for the purpose of paying all or any part of the cost of a project or projects. The principal of and interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, and bear interest at such rates, and shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the corporation, and may be made redeemable before maturity, at the option of the corporation, at such price or prices and under such terms and conditions as may be fixed by the corporation prior to the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination, or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. 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 of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued coupon or registered form, or both, as the corporation 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, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The corporation may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the corporation.

The proceeds of such bonds shall be used solely for the payment of the cost

of the projects and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide. Prior to the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or of any political subdivision thereof and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this act.

The corporation is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the corporation, for the additional purpose of constructing or reconstructing any extensions or improvements of the project. The issue of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the corporation in respect of the same shall be governed by the provisions of this act insofar as the same may be applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.

Revenue and revenue refunding bonds issued under the provisions of this section, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or of the city or a pledge of the faith and credit of the commonwealth or of the city, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the city shall be obliged to pay the same or the interest thereon except from revenues and that neither the faith and credit nor the taxing power of the commonwealth or of the city is pledged to the payment of the principal of or the interest on such bonds.

All revenue and revenue refunding bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter one hundred and six of the General Laws.

SECTION 13. In the discretion of the corporation such revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank

having the powers of a trust company within the commonwealth. Such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or part thereof.

Either the resolution providing for the issuance of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the use of any surplus bond or notes proceeds and the establishment of reserves. Such resolution or trust agreement may also contain covenants by the corporation in relation to, among other things, (a) the establishment, revision and collection of such rents and charges for services or facilities furnished or supplied by the corporation as shall provide revenues sufficient with other revenues of the project, if any, to pay (i) the cost of maintaining, repairing and operating the project and of making renewals and replacements in connection therewith, (ii) the principal of and the interest on said revenue bonds as the same shall become due and payable, (iii) payments in lieu of taxes, betterments, and special assessments, and (iv) reserves for all of such purposes, (b) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof, (c) the use and disposition of the gross revenues of the corporation from the project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the project, (d) the amount, if any, of additional revenue bonds payable from the revenues of the project and the limitations, terms, and conditions on which such additional revenue bonds may be issued, and (e) the operation, maintenance, management, accounting, and auditing of the project and of the income and revenues of the corporation. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust

agreement may be treated as a part of the cost of the operation of the project. The pledge by any such trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter one hundred and six of the General Laws.

SECTION 14. Revenue bonds and revenue refunding bonds issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section fourteen of chapter one hundred and sixty-seven E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them; and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section two of chapter one hundred and sixty-seven F of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

Approved December 6, 1989.

Chapter 583. 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 Warren Salinger in the town of Belmont on August twenty-fifth, nineteen hundred and

ninety between Jean M. Murphy and Kenneth Warren Salinger, both of the town of Arlington, and the state secretary shall issue to said Warren Salinger a certificate of such authorization.

Approved December 6, 1989.

Chapter 584. **AN ACT VALIDATING CITY OF PITTSFIELD SOLID WASTE DISPOSAL AND RESOURCE RECOVERY AGREEMENT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-one of chapter forty D of the General Laws or any other general or special law to the contrary, the solid waste disposal and resource recovery agreement by and among the city of Pittsfield, Vicon Recovery Associates and Vicon Construction Co., Inc. dated February first, nineteen hundred and seventy-nine, as so amended, including the fourth amendment, is hereby ratified, validated and confirmed and shall be enforceable in accordance with the terms thereof.

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

Approved December 7, 1989.

Chapter 585. **AN ACT RELATIVE TO THE TAXATION OF CERTAIN CONSERVATION LAND.**

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

Be it enacted, etc., as follows:

Section 11 of chapter 59 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "called", in line 17, the following words:- , including cluster development common land held under a conservation restriction pursuant to section thirty-one of chapter one hundred and eighty-four.

Approved December 8, 1989.

Chapter 586. **AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF NORTH READING FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The positions of senior clerk stenographer, senior accounting clerk, and junior clerk typist in the department of public works in the town of North Reading shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of senior clerk stenographer, senior accounting clerk or junior clerk typist in the department of public works of the town of North Reading on the effective date of this act.

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

Approved December 8, 1989.

Chapter 587. **AN ACT AUTHORIZING THE SANDWICH WATER DISTRICT TO ACQUIRE CERTAIN LAND IN THE TOWNS OF SANDWICH, BOURNE AND MASHPEE.**

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 280 of the acts of 1947 is hereby amended by inserting after the word "district", in line 19, the words:- and may contract for, or acquire by deed of easement or in fee temporary or permanent easements and fee simple interests in land in the towns of Sandwich, Bourne and Mashpee for the purposes of construction, operation and maintenance on such land of water storage tanks, water distribution systems, access roads and other necessary appurtenances.

SECTION 2. Said section 2 of said chapter 280 is hereby further amended by striking out, in line 23, the words "public health" and inserting in place thereof the words:- environmental protection.

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

Approved December 8, 1989.

Chapter 588. **AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SUTTON.**

Be it enacted, etc., as follows:

SECTION 1. Subsection *(c)* of section 2-7 of the charter of the town of Sutton 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 the first sentence and inserting in place thereof the following sentence:- The board of selectmen shall include on the warrant for a regular town meeting the subject matter of all petitions which have been received by it sixty or more days prior to the date fixed by by-law for the town meeting to convene.

SECTION 2. Subsection *(o)* of section 8-5 of said charter is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The reports shall be available at least seven days before the spring, fall or any special town meeting is scheduled to convene.

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

Approved December 8, 1989.

Chapter 589. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT AN EASEMENT OVER CERTAIN LAND LOCATED IN THE TOWN OF SOUTHBOROUGH.**

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 easement granted solely for passage and access purposes over certain land controlled by the metropolitan district commission and located in the town of Southborough to John F. Toomey, or successor and assign subject to the provisions of section two and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission.

Said easement consists of ten thousand seven hundred and six square feet, more or less, on the Northeast side of Framingham road and shown as Parcel B on a plan by Cullinan Engineering Company, Inc., entitled "Plan of Property, Southboro, Massachusetts", and dated November 4, 1987, bounded and described as follows:

Beginning at a point on the northeasterly sideline of the Framingham Road at

the most southerly corner of the Parcel to be described; said point being northwesterly by a curve to the left having a radius of 1,030.0 feet, an arc distance of 571.76 feet from a Worcester County Highway Bound opposite Station 71+54.70 of the 1928 county layout of said Framingham Road:

Thence in a northwesterly direction along the northeasterly sideline of said Framingham Road by a curve to the left having a radius of 1,030.00 feet, an arc distance of 140.16 feet to a point:

Thence N33°-17'-16"E, a distance of 10.58 feet to a Granite Bound on the southerly sideline of a discontinued Town Road;

Thence N21°-50'-58"E, a distance of 16.50 feet to the centerline of said discontinued Town Road;

Thence along the centerline of said discontinued Town Road the following three (3) courses:

(1). S 69°-12'-13"E, a distance of 108.44 feet to a point;

(2). S 81°-24'-00"E, a distance of 64.71 feet to a point;

(3). N 84°-49'-36"E, a distance of 81.54 feet to a point;

Thence S 63°-45'-04"W, along other land now or formerly of the commonwealth of Massachusetts metropolitan district commission, a distance of 170.63 to a point of beginning.

SECTION 2. The recipient of said easement shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the granting of this easement.

Approved December 8, 1989.

Chapter 590. AN ACT PROTECTING MASSACHUSETTS FARMING OPERATIONS.

Be it enacted, etc., as follows:

Section 3 of chapter 40A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate or require a special permit for the use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture; nor prohibit, or unreasonably regulate, or require a special permit for the use, expansion, or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture, floriculture, or viticulture, including those facilities for the sale of produce, and wine and dairy

products, provided that during the months of June, July, August, and September of every year, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land on which the facility is located, except that all such activities may be limited to parcels of more than five acres in area not zoned for agriculture, horticulture, floriculture, or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law.

Approved December 8, 1989.

Chapter 591. **AN ACT FURTHER REGULATING CERTAIN HARDSHIP EMINENT DOMAIN PAYMENTS.**

Be it enacted, etc., as follows:

Section 7H of chapter 79 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "five hundred" and inserting in place thereof the following words:- two thousand.

Approved December 8, 1989.

Chapter 592. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE LAND IN THE CITY OF BOSTON 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 to acquire by eminent domain, by purchase or otherwise, the hereinafter described parcel of public land located in the city of Boston which is being used by said city for library purposes and to transfer said land to the department of public works for highway purposes in conjunction with the reconstruction of the Saratoga Street Bridge, so-called. Subsequent to the completion of the reconstruction of said bridge, the deputy commissioner of capital planning and operations is authorized to transfer said parcel to said city.

Said parcel of land is shown on a plan entitled "Plan and Profile of Highway in the City of Boston, Suffolk County, Saratoga Street" prepared by Barnes and

Jarnis Inc., which plan is to be kept on file with the chief engineer of the department of public works.

Approved December 8, 1989.

Chapter 593. AN ACT RELATIVE TO THE ESTABLISHMENT OF SPECIAL ACCOUNTS FOR CERTAIN MUNICIPAL BOARDS.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 40B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the fourth sentence the following sentence:- The board of appeals shall adopt rules, not inconsistent with the purposes of this chapter, for the conduct of its business pursuant to this chapter and shall file a copy of said rules with the city or town clerk.

SECTION 2. Chapter 44 of the General Laws is hereby amended by inserting after section 53F the following section:-

Section 53G. Notwithstanding the provisions of section fifty-three, any city or town that provides by rules promulgated under section nine or twelve of chapter forty A or section eighty-one Q of chapter forty-one, section twenty-one of chapter forty B or section thirty-one of chapter one hundred and eleven for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project

shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. The municipal accountant shall submit annually a report of said special account to the chief elected body and chief administrative official of the municipality for their review. Said report shall be published in the city or town annual report. The municipal accountant shall submit annually a copy of said report to the director of the bureau of accounts.

Emergency Letter: December 20, 1989 @ 5:04 P.M. Approved December 8, 1989.

Chapter 594. AN ACT RELATIVE TO CERTAIN DEBT ISSUED BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 44 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (3A) and inserting in place thereof the following clause:-

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, such amounts as may be approved by the emergency finance board established under the provisions of section forty-seven of chapter ten, and for such maximum term, not exceeding twenty years, as said board shall fix. Each city or town seeking approval by the board of a loan under this clause shall submit to said board all plans and other information considered by the board to be necessary for a determination of the probable extended use of such building likely to result from such remodeling, reconstruction or repair, and in considering approval of any such requested loan and the terms thereof, special consideration shall be given to such determination.

SECTION 2. Said section 7 of said chapter 44, as so appearing, is hereby further amended by striking out clause (9) and inserting in place thereof the following clause:-

(9) For the cost of departmental equipment, five years or for such maximum term, not exceeding fifteen years, as may be approved by the emergency finance board established under the provisions of section forty-seven of chapter ten. Each city or town seeking approval by the board under this clause for the cost of departmental equipment shall submit to said board any information considered by the board to be necessary for a determination of the probable useful life of such equipment.

SECTION 3. Said section 7 of said chapter 44, as so appearing, is hereby further

amended by striking out clause (11) and inserting in place thereof the following clause:-

(11) For the payment of final judgements, one year.

SECTION 4. Section 19 of said chapter 44, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Cities, towns and districts shall not issue any notes payable on demand, and they shall provide for the payment of all debts, except temporary loans incurred under sections four, six, six A, eight C, seventeen and seventeen A, or under section three of chapter seventy-four of the acts of nineteen hundred and forty-five, by such annual payments as will extinguish the same at maturity, and so that the first of such annual payments on account of any serial loan shall be made not later than the end of the next complete fiscal year commencing after the date of the bonds or notes issued for the serial loan, and so that the amount of such annual payments in any year on account of such debts, so far as issued, shall not be less than the amount of principal payable in any subsequent year; and such annual amounts, together with the interest on all debts, shall, without further vote, be assessed until the debt is extinguished; provided, however, that in the case of bonds or notes issued for establishing or purchasing a water supply system for its inhabitants, the first of such annual payments shall be made not later than three years after the date thereof. Notwithstanding the aforesaid provisions, the maturities of each issue of bonds or notes, (a) sold to the Farmers Home Administration, Department of Agriculture of the United States, (b) issued for costs relating to an enterprise for which an enterprise fund has been established under the provisions of section thirty-nine K of chapter forty or other comparable provisions of law; provided however, that the accountant or auditor or other officer having similar duties in the city, town or district, shall have certified to the treasurer that rates and charges have been set at a sufficient level to cover the estimated operating expenses and debt service of the enterprise, including debt service on the bonds or notes to be issued or (c) issued for any purpose approved by the voters under paragraph (k) of section twenty-one C of chapter fifty-nine, shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue said bonds or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal.

SECTION 5. Said chapter 44 is hereby further amended by inserting after section 53G the following section:-

Section 53H. Notwithstanding the provisions of section fifty-three, any city, town, district, regional refuse disposal district or regional school district issuing bonds or notes may rebate to the federal government, without further appropriation, any amount deemed necessary by the officers authorized to issue the bonds

or notes in order to have interest paid on the bonds or notes be excluded, in whole or in part, from gross income for federal income tax purposes. Such payment made by a city, town or district shall be reported by the auditor or accountant of the city or town or other officer having similar duties or by the treasurer, if there is no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provisions therefor. The amount of such payment made by a regional school district or regional refuse disposal district shall be included in the next annual district operation and maintenance budget, unless the regional district committee has otherwise made provisions therefor. The director of accounts may promulgate guidelines, rules and regulations to govern such rebates and any such rebates made under authority of this section shall be subject to any such guidelines, rules and regulations of said director.

Emergency Letter: December 20, 1989 @5:04PM Approved December 8, 1989.

Chapter 595. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO ISSUE A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO COFFEE KINGDOM, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Westborough is hereby authorized to issue a license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to Coffee Kingdom, Inc. d/b/a Old Vienna Restaurant and Kaffee Haus. Said license shall be subject to all provisions of said chapter one hundred and thirty-eight, except section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other persons, organization, corporation or location for a period of one year; and provided, further, that the total number of licenses for the sale of wine and malt beverages to be drunk on the premises which the local licensing authority may issue pursuant to said section seventeen shall be reduced by one.

Approved December 8, 1989.

Chapter 596. AN ACT RELATIVE TO ASSAULT WEAPONS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of this act the following words shall have the following meanings:-

(1) "Assault weapon", all rifles and shotguns designated as assault weapons in this section and all other semi-automatic rifles and shotguns which are determined by the assault weapon roster board, established under the provisions of section five, to be assault weapons. Such term shall include, in addition to any other rifles and shotguns identified by said board, all versions of the following, including rifles and shotguns sold under the designation provided in this section and rifles and shotguns which are substantially identical thereto sold under any designation:-

(a) Avtomat Kalishnikov, also known as AK-47 semi-automatic rifles;

(b) Uzi semi-automatic rifles;

(c) AR-15 semi-automatic rifles;

(d) FN-FAL and FN-FNC semi-automatic rifles;

(e) Steyr Aug semi-automatic rifles;

(f) SKS semi-automatic rifles;

(g) shotguns with revolving cylinders known as the Street Sweeper and the Striker 12;

(h) any other semi-automatic rifle with a fixed magazine capacity exceeding ten rounds;

(i) any other shotgun with a fixed magazine, cylinder, drum or tube capacity exceeding six rounds; and

(j) any semi-automatic firearm which is a modification of a rifle or shotgun described in this subsection; that is, having the same make, caliber, and action design but a shorter barrel or no rear stock.

(2) "Assault weapon" shall not include:

(a) a rifle or shotgun which does not employ fixed ammunition;

(b) a rifle or shotgun which was manufactured prior to the year eighteen hundred and ninety-eight;

(c) a rifle or shotgun which operates by manual bolt action;

(d) a rifle or shotgun which operates by lever action;

(e) a rifle or shotgun which operates by slide action;

(f) a rifle or shotgun which is a single shot weapon;

(g) a rifle or shotgun which is a multiple barrel weapon;

(h) a rifle which is a revolving cylinder weapon;

(i) a rifle which employs a fixed magazine with a capacity of ten rounds or less;

(j) a shotgun which is a rimfire weapon that employs a tubular magazine with a magazine capacity of six rounds or less;

(k) a rifle or shotgun which cannot employ a detachable magazine or ammunition belt with a capacity greater than ten rounds;

(l) a rifle or shotgun which has been modified so as to render it permanently inoperable or so as to make it permanently a device which may not appropriately be designated as an assault weapon; or

(m) a rifle or shotgun which is an antique or relic firearm, movie prop or other weapon not capable of firing a projectile and not intended for use as a functional weapon and which cannot be readily converted through a combination of available parts into an operable assault weapon.

(3) "Large capacity ammunition belt", a belt or strip which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic rifle or shotgun or an ammunition belt which can be readily converted into a large capacity ammunition belt.

(4) "Large capacity magazine", a box, drum, or other container which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic rifle or shotgun or a magazine which can be readily converted into a large capacity magazine.

(5) "Rifle", a firearm of which the length of barrel is sixteen inches or more, that is designed or has been redesigned, made or has been remade to fire a fixed cartridge.

(6) "Semi-automatic", capable of firing a shot with each depression of the trigger without additional slide, bolt or other manual action.

(7) "Shotgun", a firearm of which the length of barrel is eighteen inches or more which is designed or has been redesigned, made or has been remade to fire a shotgun shell.

SECTION 2. In the city of Boston, it shall be unlawful to sell, rent, lease, possess, purchase, barter, display, or transfer an assault weapon.

In the city of Boston, it shall be unlawful to sell, rent, lease, possess, purchase, barter, display, or transfer a large capacity magazine or a large capacity ammunition belt.

In the city of Boston, it shall be unlawful to sell, rent, lease, possess, purchase, barter, display, or transfer any part or combination of parts, designed or intended to convert a rifle or shotgun into an assault weapon, or any combination of parts from which an assault weapon may be readily assembled if these parts are in the possession or under the control of the same person.

SECTION 3. The provisions of this act shall not apply to the possession of assault weapons, large capacity magazines, large capacity ammunition belts, or other types of magazines or ammunition belts by officers, agents, or employees of the commonwealth or any other state or of the United States, members of the armed forces of the United States or the organized militia of the commonwealth or any other state, and law enforcement officers, to the extent that any such person is authorized by competent authority to acquire, possess or carry an assault weapon and is acting within the scope of his duties.

The provisions of this act shall not apply to the sale of assault weapons, large capacity magazines, large capacity ammunition belts, or other types of magazines or magazine belts by dealers licensed under section one hundred and twenty-two of chapter one hundred and forty of the General Laws to those persons described

in the first paragraph.

The provisions of this act shall not apply to the possession of assault weapons by persons on the property of a lawfully incorporated sporting or shooting club who are licensed to carry firearms under section one hundred and thirty-one of chapter one hundred and forty of the General Laws.

The provisions of this act shall not apply to the possession of assault weapons, large capacity magazines or large capacity ammunition belts by persons taking part in a competition or attending a meeting or exhibition of any organized group of firearms collectors or travelling to or from such competition, meeting or exhibition; provided, however, that any such person has on his person a firearm identification card for the assault weapons issued pursuant to section one hundred and twenty-nine B of chapter one hundred and forty of the General Laws or is a resident of the United States and has on his person a permit or license to carry or possess firearms, including said assault weapons, issued under the laws of any state, district or territory which has requirements which prohibit the issuance of permits or licenses to persons who have been convicted of a felony or who have been convicted of the unlawful use, possession or sale of narcotic or harmful drugs; provided, further, that any such person who is a resident of the city of Boston shall also have on his person a license to possess the assault weapons issued pursuant to this act; and provided, further, that any assault weapon, while in transit or when at a location other than the competition, meeting, exhibition or owner's residence, shall be unloaded and packaged.

The provisions of this act shall not apply to the possession of assault weapons by persons while in transit through the city of Boston for the purpose of going or coming from hunting; provided, however, that any such person has on his person a firearm identification card for the assault weapons issued pursuant to section one hundred and twenty-nine B of chapter one hundred and forty of the General Laws or is a resident of the United States and has on his person a permit or license to carry firearms, including said assault weapons, issued under the laws of any state, district or territory which has requirements which prohibit the issuance of permits or licenses to persons who have been convicted of a felony or who have been convicted of the unlawful use, possession or sale of narcotic or harmful drugs; provided, further, that any such person who is a resident of the city of Boston shall also have on his person a license to possess the assault weapons issued pursuant to this act; provided, further, that any such person has on his person a currently valid hunting or sporting license issued by the commonwealth or by the state of his destination; and provided further, that any assault weapon, while in transit, shall be unloaded and packaged.

The provisions of this act shall not apply to the possession of assault weapons, large capacity magazines, large capacity magazine belts, or other types of magazines or ammunition belts by persons specifically authorized to acquire, have, possess or carry an assault weapon pursuant to federal law.

SECTION 4. Any person who violates the provisions of this act as to an assault weapon shall for a first offense be punished by a fine of one thousand dollars, and for any subsequent offense by imprisonment for not more than two and one-half years.

Any person who violates the provisions of this act as to a magazine or an ammunition belt shall for a first offense be punished by a fine of two hundred dollars and for any subsequent offense by a fine of five hundred dollars.

SECTION 5. There shall be in the city of Boston an assault weapon roster board, hereinafter referred to as the board, which shall consist of seven members each of whom shall serve for a term of four years. The members of the board shall be: the police commissioner of the city of Boston, *ex officio*, or his designee, who shall serve as chairman of the board; the corporation counsel of the city of Boston, *ex officio*, or his designee; and five members to be appointed by the mayor, one of whom shall be a member of the Massachusetts chapter of the National Rifle Association; one of whom shall be an employee of a Massachusetts firm which manufactures firearms; and three citizens of the city of Boston, one of whom shall be a member of a recognized gun control organization.

The board shall meet at the request of the chairman or by the request of a majority of its members.

There shall be an assault weapon roster, hereinafter referred to as the roster, which the board shall compile and initially publish in a newspaper of general circulation in the city of Boston by December first, nineteen hundred and eighty-nine.

In determining whether any weapon shall be placed on the roster, the board shall consider each of the following characteristics, without placing any undue weight on any one characteristic:

(1) Ballistic accuracy,

(2) Quality of materials,

(3) Quality of manufacture,

(4) Reliability as to safety,

(5) Utility for legitimate sporting activities.

The board shall at least semi-annually publish the roster in a newspaper of general circulation in the city of Boston, and shall send a copy thereof to all dealers licensed in the city of Boston under the provisions of section one hundred and twenty-two of chapter one hundred and forty of the General Laws.

The board may modify the roster upon the board's own initiative. A person may petition the board to place a weapon on the roster, subject to the provisions of this section. A person who so petitions shall give the reasons why the weapon should be placed on the roster.

A petition to place a weapon on the roster shall be submitted in writing to the board and shall be in the form and manner prescribed by the board. Upon receipt of the petition to place a weapon on the roster, the board shall, within forty-five

days of receipt of the petition, either notify the petitioner by certified mail that the petition is denied, or it shall place the weapon on the roster. The prohibition of a weapon shall be effective on the date it is included in the next publication of the roster in a newspaper of general circulation in the city of Boston.

The board shall be authorized to promulgate regulations concerning the appeal of a decision to place or to deny to place a weapon on the roster and any other regulations not inconsistent with this act to effectuate its purpose.

SECTION 6. Within ninety days of the effective date of this act, any person lawfully in possession of an assault weapon and a firearm identification card for that assault weapon issued pursuant to section one hundred and twenty-nine B of chapter one hundred and forty of the General Laws shall apply to the police commissioner of the city of Boston, or his designee, for a license to possess such assault weapon. In determining whether to issue such license, the police commissioner of the city of Boston shall be guided by the criteria stated in section one hundred and thirty-one of chapter one hundred and forty of the General Laws, and the procedures for judicial review of a denial of a license to possess shall be the same as provided for the denial of a license in said section one hundred and thirty-one. A license to possess shall allow the licensee to keep an assault weapon in his residence. Any person denied a license to possess pursuant to this act shall, within ninety days of such denial, dispose of the assault weapon in such a way as to not be in violation of this act. Any person who obtains an assault weapon registered under this act by bequest or intestate succession shall, within ninety days of so obtaining, either apply for a license to possess such assault weapon or dispose of such assault weapon in a manner not in violation of this act.

The same requirements of this section shall apply to an assault weapon included in the roster, with the ninety days to begin on the date the roster is published in a newspaper of general circulation in the city of Boston with such assault weapon included in the roster.

SECTION 7. A police officer shall be authorized to seize any assault weapon which may be evidence of a violation of this act. The assault weapon shall be held as evidence by the police and may be disposed of in accordance with section one hundred and twenty-nine D of chapter one hundred and forty of the General Laws.

The police commissioner of the city of Boston shall be authorized to promulgate regulations not inconsistent with this act to effectuate its purpose.

The police commissioner of the city of Boston is hereby authorized to revoke licenses granted under sections one hundred and twenty-two and one hundred and thirty-one of chapter one hundred and forty of the General Laws for violation of this act.

The police commissioner of the city of Boston is hereby authorized to issue an emergency order at any time to immediately and temporarily place a weapon on the roster and is further authorized to publish the roster in a newspaper of general circulation in the city of Boston without the approval of the board; provided,

however, that he shall call a meeting of the board within thirty days of the issuance of the order so that the board may review the order and either permanently place the weapon on the roster or remove it therefrom.

SECTION 8. This act shall take effect upon its passage.

Approved December 9, 1989.

Chapter 597. AN ACT INDEMNIFYING CERTAIN EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

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

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the department of correction is hereby authorized, subject to appropriation, to indemnify Richard Rice and Frederick Cornell for their reasonable legal expenses incurred as employees within said department in their successful defense of criminal charges brought against them for actions while in the performance of their official duties; provided, however, that such indemnification shall not exceed five thousand dollars for each said officer.

SECTION 2. No bill for legal expenses shall be approved by the department of correction under the authority of this act unless and until a certificate has been signed and filed with the commissioner of correction stating, under the penalties of perjury, that said legal expenses have been incurred, and paid by such individual officer.

Approved December 15, 1989.

Chapter 598. AN ACT FURTHER REGULATING CAMPAIGN FINANCE REPORTING FOR CITY, TOWN AND WARD COMMITTEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate campaign finance reporting for city, town and ward 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 18 of chapter 55 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

The provisions of this section requiring city, town and ward committees established under the provisions of chapter fifty-two to file reports shall not apply to any city, town or ward committee which during any reporting period has not received contributions in the aggregate in excess of fifty dollars, incurred any liabilities, nor made expenditures in the aggregate in excess of twenty-five dollars and which prior to such reporting period had no assets or liabilities. The treasurer of said city, town or ward committee shall sign an affidavit on a form provided by the director or in a letter stating that said committee has not received contributions in the aggregate in excess of fifty dollars, incurred any liabilities, nor made expenditures in the aggregate in excess of twenty-five dollars and had no assets or liabilities prior to said reporting period. Said statement shall be signed under the pains and the penalties of perjury.

Approved December 15, 1989.

Chapter 599. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF TISBURY.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Tisbury, hereinafter, in this act, referred to as the town, a department of public works under the jurisdiction of a board of public works commissioners. Said department shall have charge and responsibility for the management of all public works operations of the town, including but not limited to the following: highway, sewer, solid waste collection and disposal, cemetery, park and playground maintenance, tree and moth, engineering services, building maintenance of all municipal buildings except those under the jurisdiction of the school department, and other operations as may be deemed necessary or desirable. The board of public works commissioners shall have the power to make all policy decisions relating to the operations of public works within the town.

SECTION 2. The first board of public works commissioners of the town of Tisbury shall be appointed before January first, nineteen hundred and ninety, by the following boards: one each by the cemetery commissioners, board of health, parks and recreation commissioners, road commissioners, and the board of selectmen. The persons so appointed shall serve until the annual town election to be held in nineteen hundred and ninety-one, at which time all five positions shall be placed on the ballot. The two persons receiving the highest number of votes shall be elected to three year terms; the two persons receiving the next highest

number of votes shall be elected to two year terms; and the person receiving the fifth highest number of votes shall be elected to a one year term. Thereafter the terms of the members shall be three years.

SECTION 3. The board of public works commissioners of the town, appointed and elected in accordance with section two, shall appoint a director of public works and all employees of the department in accordance with the centralized personnel procedures of the town, and the compensation of these appointees shall be fixed in accordance with the wage and salary classification plan of the town.

SECTION 4. The director of public works of the town, hereinafter referred to in this section, as the director, shall supervise and direct the operations of the department of public works. The director shall be especially fitted by education, training, and experience to perform the duties of the office and shall have such other qualifications as the town may from time to time provide. While employed by the town, the director shall hold no other elective or appointive office, nor engage in any other business or occupation relating to public works.

SECTION 5. On June thirtieth, nineteen hundred and ninety, the boards of cemetery commissioners, parks and recreation commissioners and road commissioners of the town of Tisbury shall be abolished and the powers, duties, and responsibilities of said boards shall be transferred to the board of public works commissioners. The terms of office of all persons serving on the boards of cemetery commissioners, parks and recreation commissioners, and road commissioners on the effective date of this act shall extend to that date. As of July first, nineteen hundred and ninety, the board of public works commissioners shall appoint the tree warden of the town.

SECTION 6. No person in the permanent full-time service or employment of the town of Tisbury shall forfeit pay grade or time in service on account of the establishment of the department of public works. Each such person shall be retained in a capacity as similar to the person's former capacity as is practical. No collective bargaining agreement, contracts or liabilities in force on the effective date of this act shall be affected, and the board of public works commissioners shall in all respects be the lawful successor of the tree warden, and the boards of road commissioners, parks and recreation commissioners, and cemetery commissioners.

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

Approved December 15, 1989.

Chapter 600. AN ACT RELATIVE TO PUBLIC EMPLOYEE DISPUTE IMPASSE PROCEDURES.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 150E of the General Laws, as appearing in

the 1988 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

After a reasonable period of mediation from the date of appointment, said mediator shall issue to the board a report indicating the results of his services in resolving the impasse.

SECTION 2. The fourth paragraph of said section 9 of said chapter 150E, as so appearing, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- The fact-finder shall transmit his findings and any recommendations for the resolution of the impasse to the board and to both parties within thirty days after the record is closed.

Approved December 15, 1989.

Chapter 601. AN ACT FURTHER REGULATING THE TIME FOR FILING NOMINATION PAPERS IN MUNICIPAL ELECTIONS.

Be it enacted, etc., as follows:

Section 10 of chapter 53 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:-

In any city, except Boston, certificates of nomination and nomination papers for any city election shall be filed on or before the thirty-fifth day preceding such city election. In any city, except Boston, the time for presenting nomination papers for certification to the registrars of voters, and for certifying the same, shall be governed by section seven, notwithstanding any contrary provision in any special law. In any city where primaries are held, under authority of general or special law, for the nomination of candidates for city offices, certificates of nomination and nomination papers shall be filed not later than the last day fixed for the filing of nomination papers for such primaries. In any city where preliminary elections for the nomination of candidates for a city office are held, nomination or other like papers required to be filed by such candidates shall be filed on or before the thirty-fifth day preceding the day of the preliminary election, notwithstanding any contrary provision in any special law.

Any provision of general or special law to the contrary notwithstanding, the last day for filing with the town clerk certificates of nomination or nomination papers for the nomination of town offices shall be the thirty-fifth day preceding the date of the election. In any town, the time for presenting nomination papers for certification to the registrars of voters, and for certifying the same, shall be governed by section seven, notwithstanding any contrary provision in any special law.

Emergency Letter: December 19, 1989 @ 5:04 P.M. Approved December 15, 1989.

Chapter 602. AN ACT RELATIVE TO BANKING INSTITUTIONS IN THE BUSINESS OF SALES FINANCE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section 114A of chapter 140 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "associations", in lines 2 and 3, the words:- , federal savings banks.

SECTION 2. Section 2 of chapter 255B of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person, other than a bank as defined in section one of chapter one hundred and sixty-seven, a national banking association, federal savings bank, federal savings and loan association or federal credit union, shall engage in the business of a sales finance company without first obtaining from the commissioner a license to carry on said business in the city or town where the business is to be transacted as provided herein.

SECTION 3. Section 2 of chapter 255C of the General Laws, as so appearing, is hereby amended by inserting after the word "association", in line 3, the second time it appears, the words:- , a federal savings bank.

SECTION 4. Section 2 of chapter 255D of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person, other than a bank as defined in section one of chapter one hundred and sixty-seven or a national banking association, federal savings bank, federal savings and loan association or federal credit union, shall engage in the business of a sales finance company without first obtaining from the commissioner a license to carry on said business in each city or town where the business is to be transacted as provided herein.

Approved December 15, 1989.

Chapter 603. AN ACT CREATING A STUDENT CONDUCT HANDBOOK REVIEW COMMITTEE IN SECONDARY SCHOOLS.

Be it enacted, etc., as follows:

Section 37H of chapter 71 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following two paragraphs:-

In each school building containing the grades nine to twelve, inclusive, the rules pertaining to the conduct of students shall be reviewed annually by a handbook review committee consisting of the school principal who shall serve as chair; and for the first two thousand five hundred students or part thereof, three teachers,

elected annually by the teachers of the building, three parents of children attending said school building chosen in elections held annually by the local parent-teacher organization under the direction of the principal of such school or, if none exists chosen by the school committee; one person appointed by the school committee; and three secondary students attending said school building elected annually by the students of said grades. For schools with more than two thousand five hundred students said committee shall consist of the above-mentioned members and one teacher, one parent, and one secondary student representative for each additional five hundred students selected in the manner above to serve on the committee. The handbook review committee may be an already existing committee within the school building that meets the representation requirements.

The handbook review committee shall conduct its annual review each spring for the handbook that will be in use starting in September of the following school year. Said committee may also be convened at other times during the course of the school year in order to consider any handbook policy changes. The annual handbook review shall cover all areas of student conduct, including but not limited to those outlined in this section. The handbook review committee shall submit the results of its review, including any recommended additions or revisions to the code of student conduct, to the school committee for action.

Approved December 15, 1989.

Chapter 604. AN ACT RELATIVE TO REVERSE MORTGAGE LOANS.

Be it enacted, etc., as follows:

SECTION 1. Subsection B of section 2 of chapter 167E of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after paragraph 14 the following paragraph:-

14A. *Reverse Mortgage Loans.* - A reverse mortgage loan not exceeding eighty percent of the value of the real estate to the owner of such real estate improved with a dwelling designed to be occupied by not more than four families; provided, however, that each such owner shall be at least sixty years of age, shall own the property and shall occupy the mortgaged real estate in whole or in part. The maximum sum for a loan of this class shall be determined by the commissioner by regulation. The proceeds from such loan shall be advanced to the mortgagors, either directly or indirectly, in installments at agreed upon times between the lender and the mortgagors. Such proceeds together with unpaid interest, if any, shall be repaid at the end of a term not to exceed ten years. The aggregate balance of such loans made or acquired by any corporation shall not exceed ten percent of its deposits.

Before any bank undertakes to make reverse mortgage loans, it shall submit to

the commissioner for his approval a general plan and any subsequent amendments under which such loans are to be made. The said plan shall provide that:

(1) a loan applicant shall not be bound for seven days after the loan commitment is made;

(2) the bank shall obtain a statement signed by the borrower acknowledging disclosure of all contractual contingencies which could force a sale of the mortgaged real estate;

(3) the instrument shall provide for prepayment without penalty at any time during the term of the loan; and

(4) interest rates shall be fixed at loan origination.

Any such plan submitted shall include a copy of the form of the note and mortgage deed that will be utilized for such loans, a detailed description of how the plan will function, and such other information as the commissioner may require.

Prior to making any such loan, a bank shall provide a prospective borrower with written materials explaining in plain language the type of mortgage being offered and its specific terms including but not limited to:

(a) a schedule and explanation of payments to the borrower and whether or not property taxes and insurance premiums are to be deducted;

(b) a schedule of outstanding debt over time;

(c) repayment date, if a fixed term loan;

(d) method of repayment and schedule, if any;

(e) all contractual contingencies, including lack of home maintenance and other default provisions, which may result in a forced sale of the mortgaged property;

(f) interest rate, annual percentage rates and total interest payable on the loan;

(g) initial loan fees and charges;

(h) description of prepayment and refinancing features; and

(i) inclusion of a statement that such mortgages have tax and estate-planning consequences and may affect levels of, or eligibility for, certain government benefits, grants or pensions, and that applicants are advised to explore such matters with appropriate authorities.

A bank shall not make a reverse mortgage loan subject to this section until the prospective borrower has completed a home equity conversion counseling program which shall include instruction on reverse mortgage loans and which shall be approved by the executive office of elder affairs. For the purposes of providing the counseling required by this section, the said executive office of elder affairs shall establish and maintain a list of approved counseling programs and shall make such list available to all banks and to the public.

Notwithstanding the foregoing provisions, any bank which makes or seeks to make reverse mortgage loans pursuant to this section may add such additional terms or conditions as required by the provisions of the Housing and Community

Development Act, 12 USC 1715z-20 to obtain federal insurance for such reverse mortgage loans, if such loans are to be insured by the Secretary of Housing and Urban Development or his designee pursuant to said act.

For the purposes of this paragraph a "reverse mortgage loan" shall mean a mortgage loan in which proceeds are advanced to the mortgagor in installments, either directly or indirectly, and which together with unpaid interest, if any, is to be repaid at the end of a term not to exceed ten years.

SECTION 2. Section 37 of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "and 10" and inserting in place thereof the following:- , 10 and 14A.

SECTION 3. Chapter 183 of the General Laws is hereby amended by adding the following section:-

Section 67. No mortgagee shall make a reverse mortgage loan on residential property except in accordance with the provisions of paragraph 14A of subsection B of section two of chapter one hundred and sixty-seven E. For the purposes of this section, the term "residential property" shall mean a one-to-four family dwelling owned and occupied in whole or in part by the mortgagor and located in the commonwealth.

Approved December 15, 1989.

Chapter 605. AN ACT REQUIRING INSURANCE COVERAGE FOR ELECTRICAL CONTRACTORS.

Be it enacted, etc., as follows:

Section 8 of chapter 141 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, no permit for the performance of electrical work pursuant to chapters one hundred and forty-one and one hundred and forty-three shall be issued by any city or town unless the licensee provides proof of liability insurance, including "completed operation" coverage, which has been issued by an insurance company licensed to do business in the commonwealth, or a bond or other type of indemnity against liability providing substantially equivalent coverage. In lieu of said insurance requirement the permit issuing authority shall accept the signature of the owner or his agent on the uniform application for a permit for work to be performed by electricians.

Approved December 15, 1989.

Chapter 606. **AN ACT PROVIDING THAT RICHARD BERKENBUSH MAY CONTINUE EMPLOYMENT AS CHIEF OF THE CALL FIRE DEPARTMENT AND CHIEF OF POLICE OF THE TOWN OF WEST NEWBURY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Richard Berkenbush, chief of the call fire department and chief of police in the town of West Newbury, is hereby authorized to continue in such positions until and including November thirtieth, nineteen hundred and ninety; provided, however, that he is mentally and physically capable of performing the duties of his offices or positions; and provided, further, that he shall not serve in any event in such positions subsequent to November thirtieth, nineteen hundred and eighty-nine unless and until he shall have been examined, at his own expense, by an impartial physician designated by the Essex county retirement board to determine such capability. No further deductions shall be made from the regular compensation of said Richard Berkenbush under the provisions of chapter thirty-two of the General Laws for service in said positions subsequent to said November thirtieth, nineteen hundred and eighty-nine, and upon retirement from said positions said Richard Berkenbush shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired on said date.

SECTION 2. This act shall take effect on November thirtieth, nineteen hundred and eighty-nine.

Approved December 15, 1989.

Chapter 607. **AN ACT PROVIDING FOR EMPLOYEE INVOLVEMENT AND OWNERSHIP PROJECTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for employee involvement and ownership projects, 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 17 of chapter 6 of the General Laws, as appearing in the

1988 Official Edition, is hereby amended by striking out, in line 24, the words "and the nutrition board" and inserting in place thereof the words:- the nutrition board and the commission on employee involvement and ownership.

SECTION 2. Said chapter 6, as so appearing, is hereby further amended by adding the following section:-

Section 204. There shall be a commission on employee involvement and ownership, hereinafter called the commission, to consist of thirteen members including the secretary of economic affairs or his designee, the secretary of labor or his designee, and eleven persons to be appointed by the governor, four of whom shall be representatives from employers, of which one shall represent the Associated Industries of Massachusetts; four of whom shall be representatives from employee organizations, of which one shall represent the AFL-CIO; and three of whom shall be representatives from the employee involvement and ownership technical assistance community, of which one shall have expertise in private sector employee involvement, one shall have expertise in public sector employee involvement, and one shall have expertise in employee ownership.

Each appointed member shall serve for a term of four years, except that in making the initial appointments the governor shall appoint two members representing employers and two members representing employee organizations to serve for two years; two members representing employers and two members representing employee organizations to serve for four years; one member representing the technical assistance community to serve for two years; and two members representing said technical assistance community to serve for four years. 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. Any member may be removed from his appointment by the governor for cause. The members shall be compensated for necessary and reasonable expenses only.

Five members of the commission, two from employee organizations, two from employers, and one technical assistance member shall constitute a quorum and the affirmative vote of such five members shall be necessary and sufficient for any action to be taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. Any action taken by the commission may be authorized by resolution at any regular or special meeting and shall take effect immediately unless otherwise provided in the resolution.

The commission shall advise the governor and the executive director of the industrial services program established by section two of chapter twenty-three D from time to time on issues and policy matters pertaining to employee involvement and ownership in the commonwealth including, but not limited to, overseeing the development of the employee involvement and ownership program, making recommendations to develop and improve the performance of said program, making

recommendations to develop legislation to promote employee involvement and employee ownership, monitoring the development and implementation of the memoranda of understanding developed pursuant to section nineteen of said chapter twenty-three D, facilitating the cooperation of representatives from employee organizations, government and business, and providing advice on statewide private employee involvement and ownership programs.

There shall be a chairperson and a vice chairperson of the commission elected annually as follows: in even numbered years, the chairperson shall be elected from the representatives from employers and the vice chairperson shall be elected from the representatives from employee organizations and in the odd numbered years the chairperson shall be elected from the representatives from employee organizations and the vice chairperson shall be elected from the representatives from employers. The members shall also annually elect one of their number as secretary. The commission may elect such other officers as it deems necessary. The commission shall meet from time to time as it deems necessary, but not less than four times per year.

The commission shall adopt operating rules and procedures; provided, however, that such rules and procedures are consistent with the provisions of said chapter twenty-three D.

SECTION 3. Chapter 23D of the General Laws is hereby amended by striking out section 1, as appearing in the 1988 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:

"Applicant", any legal entity, or person seeking assistance pursuant to this chapter for an employee involvement or employee ownership project.

"Area labor-management committee", a committee composed of representatives from management, labor and private concerned citizens from a particular geographic area or industry; provided, however, that management representatives shall be selected by management and labor representatives shall be selected by labor.

"Board", board of trustees of the economic stabilization trust.

"Business", any individual, firm, corporation, partnership, trust or other legal entity with its principal office, plant, or facility in the commonwealth and engaged in manufacturing, research and development, or the provision of goods and services.

"Commission", the commission on employee involvement and ownership established in section two hundred and four of chapter six.

"Director", or "Executive Director", the executive director of the industrial service program.

"Employee", any person employed for hire by an employer in any lawful employment; provided, however, that employees shall be designated as manage-

rial employees if they participate to a substantial degree in formulating or determining policy.

"Employee involvement", the involvement of both employees and managers in decisions affecting their work; provided, however, that where a certified collective bargaining agent represents said employees such involvement of said employees shall be with the agreement of said agent.

"Employee organization", any lawful association, organization, federation, council, or labor union, the membership of which includes public or private employees, and assists its members to improve their wages, hours, and conditions of employment.

"Employee-owned business", a corporation organized and operated pursuant to chapter one hundred and fifty-seven A, or by a partnership consisting of at least three persons which is owned and controlled by the partners on a cooperative basis whereby the partners vote on partnership matters on a one-person, one-vote basis and the ratio of partners to nonpartner employees is no less than one to one, or a business, the ownership of which is represented by shares and the governing body of which is elected by holders of shares in which more than fifty percent of the class of voting shares having the greatest combination voting power and dividend rights and more than fifty percent of all other classes of shares are owned by (1) not less than seventy percent of the employees of such business, (2) an employee-stock ownership plan maintained by such business, or (3) a combination of the foregoing, subject to the following:

(i) shares of any class owned by an employee who owns more than fifteen percent of such class shall be treated as owned by someone other than said employee. For purposes of determining whether a person owns more than fifteen percent of a class, shares owned by the person's spouse, children or parents shall be treated as owned by said person.

(ii) voting shares owned by an employee stock ownership plan shall be taken into account only to the extent that the employee stock ownership plan passes the vote with respect to all shares held in trust through to employees.

"Employee ownership", employees having an ownership interest in the business where they work.

"Employee-ownership project", a plan, arrangement or transaction under which (a) a business would become an employee-owned business within a period of not more than five years, or (b) an employee-owned business would be established.

"Employee stock ownership plan", an employee stock ownership plan within the meaning of 26 USC section 4975(e)(7), including, where the context so indicates, the trust maintained under such a plan.

"Employer", includes any person acting in the interest of an employer directly or indirectly.

"Financing agreement", a legal agreement between the economic stabilization

trust and a business or person which details the terms and conditions upon which the trust has loaned to, invested in, or otherwise financed said business or person.

"Person", any individual or individuals, firm, corporation, partnership, trust or other legal entity which seeks to purchase a business or the plant, facilities or assets of a business in the commonwealth or to institute or implement an employee-ownership project.

"Program", the industrial service program.

"Trustees", the trustees of the economic stabilization trust.

"Trust", the economic stabilization trust.

"Voting power", the power of shares, relative to other shares in the business, to elect at least a majority of the members of the governing body of a business.

SECTION 4. Section 4 of said chapter 23D, as so appearing, is hereby amended by inserting after clause (g) the following clause:-

(h) promoting employee involvement and ownership projects as described in sections seventeen to twenty-four, inclusive.

SECTION 5. Section 5 of said chapter 23D, as so appearing, is hereby amended by adding the following paragraph:-

To perform the duties pursuant to clause (h) of section four, a technical assistance fund is hereby established to be used by the director to contract with private consultants solely for the purposes of assessing the feasibility of converting an existing business to an employee-owned business or for assessing the feasibility of establishing a start-up employee-owned business, and for providing other technical assistance to employee-owned businesses and employee-ownership projects including, but not limited to, legal assistance, marketing assistance and educational services; provided, however, that before contracting for such services, the director shall determine that:

(a) the employee-owned business or employee-ownership project is unable to pay for such services;

(b) such services cannot be obtained of sufficient quality and with sufficient speed from an existing state agency, department, office or quasi-public corporation to properly perform said duties; and

(c) the employee-owned business or employee-ownership project agrees to repay the program for the cost of the technical assistance provided the feasibility assessment is positive, based on terms and conditions established by the director.

SECTION 6. Section 8 of said chapter 23D, as so appearing, is hereby amended by striking out, in line 5, the word "fifteen" and inserting in place thereof the word:- sixteen.

SECTION 7. Paragraph (a) of section 9 of said chapter 23D, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The trust shall be governed by and its powers exercised by a board of trustees which shall consist of five members: the secretary of the executive office of economic affairs, the secretary of the executive office of labor,

and three persons to be appointed by the governor, who shall together be experienced in the financial analysis of businesses, turnarounds of troubled businesses, the management of businesses, and the organization and operation of employee-owned businesses; provided, however, that each such trustee shall be experienced and knowledgeable in at least one such area.

SECTION 8. Said chapter 23D is hereby further amended by striking out section 11, as so appearing, and inserting in place thereof the following section:-

Section 11. The purposes of the economic stabilization trust shall be as follows:

(a) To provide flexible high risk financing necessary to implement a change of ownership, a corporate restructuring, or a turnaround plan for an economically viable, but troubled business which faces the likelihood of a large employment loss, plant closure, or failure without such a change of ownership, corporate restructuring, or turnaround plan. The financial participation of the trust is aimed at supplementing private financial institutions and public economic development agencies when such institutions are not able to provide all the financing or bear all of the risk necessary to transfer ownership, restructure or turnaround a business in a situation where the business might otherwise fail or greatly reduce its employment.

(b) To provide flexible high risk financing in connection with the start-up of employee-owned businesses or the implementation of employee-ownership projects. The financial participation of the trust is aimed at supplementing private financial institutions and public economic development agencies when such institutions are not able to provide all the financing or bear all of the risk necessary to start-up an employee-owned business or implement an employee-ownership project.

Not less than ten percent of the financing provided pursuant to this section shall be targeted to businesses that are employee-owned businesses in order to fulfill the purposes of paragraphs (a) and (b); provided, however, that any portion of said ten percent which is not expended for the purposes of employee-owned business may be expended for other purposes authorized in this section, subject to annual approval by the commission.

In the performance of its purposes, the trust shall be deemed to be investing, not on the basis of a direct financial return on its investment but in order to reduce the social costs of a large employment loss, plant closure or business failure and to obtain the financial benefits the commonwealth receives from maintaining the operations and employment of viable businesses, and shall not be held to the loan loss standards of private commercial lenders.

SECTION 9. Said chapter 23D is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. Any business or person seeking financing from the trust shall submit to the executive director a complete application for financing and any other information as the board shall request.

The board shall review the application for financing, and based upon the information submitted and such additional investigation as the trustees may deem necessary, approve or deny said application subject to the following requirements:

(a) Before approving an application for assistance in connection with the purchase of a troubled business, the board shall determine and incorporate in its minutes that:

(1) the business is likely to experience a large loss of employment, plant closure, or failure without the loan financing or investment by the trust;

(2) the business or person seeking to purchase the business has taken or will take such actions as the board deems necessary to insure the business has a reasonable chance to continue as a successful business, including, but not limited to, changes in its operations, financing, or management and that said actions are included as a condition for financing by the trust in the financing agreement; and

(3) the business or person seeking to purchase the business has made diligent efforts to obtain the financing necessary to continue its operations or transfer ownership of the business from private financial institutions and public economic development agencies, and such financing is unavailable or has been offered on terms that would prevent the successful continuation or change in ownership of the business.

(b) Before approving an application for assistance in connection with an employee-owned business or an employee-ownership project, the board shall consult with the director and after receiving the recommendation of the director, shall determine and incorporate in its minutes that:

(1) the business or person seeking assistance has taken or will take such actions as the board and the director deem necessary to insure that the employee-ownership project has a reasonable chance to succeed; and

(2) except with respect to assistance for pre-feasibility and feasibility studies, that such business or person has made diligent efforts to obtain the financing necessary to institute or implement the employee-ownership project from private financial institutions and public economic development agencies, and such financing is unavailable or has been offered on terms that would prevent the successful institution or implementation of the project.

SECTION 10. Said chapter 23D is hereby further amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. The trust shall annually submit a complete and detailed report of the trust's activities, within ninety days after the end of each fiscal year to the governor, to the clerk of the house of representatives and to the clerk of the senate. The report shall include all the businesses or persons that received financing from the trust, the number of direct jobs created, saved or maintained, the indirect employment created, saved or maintained, the location and wage level of direct jobs created, saved or maintained, the fiscal benefits to the commonwealth in the form of tax revenues generated and social welfare expenditure avoided as a result

of the business and employment maintained by the trust.

SECTION 11. Said chapter 23D is hereby further amended by adding the following nine sections:-

Section 16. There shall be established within the economic stabilization trust a separate fund to be known as the Employee-Ownership Revolving Loan Fund, the proceeds of which shall be used to provide low interest long term loans to individuals for the purchase of such individual's ownership interest in an employee-owned business. Said fund shall consist of all monies designated therefor by the board of trustees of the Economic Stabilization Trust Fund in consultation with the director.

Said board shall administer the employee-ownership revolving loan fund program. The application process, and the terms and conditions of approving such loans shall be determined by the board in consultation with the director. Said Employee-Ownership Revolving Loan Fund shall be subject to the same reporting and auditing requirements as the economic stabilization trust, as provided in sections fourteen and fifteen.

Section 17. There is hereby established in the executive branch, under the supervision of the executive director of the industrial services program, a program of employee involvement and ownership. Said program shall provide education, outreach and promotion efforts to create an overall environment in the commonwealth which will expand and enhance employee involvement and ownership, to publicize and promote the benefits of employee involvement and ownership to policy makers and the general public, to encourage joint collaborative outreach efforts regarding involvement and ownership in the workplace, to research and evaluate employee involvement and employee ownership in the commonwealth, to showcase employee involvement and ownership initiatives in the commonwealth, to facilitate and coordinate the sharing of existing information and resources, and to provide grants pursuant to the provisions of this chapter.

The director shall have the powers to appoint any specific committee or task force and to contract with consultants, agents or advisors deemed necessary to further the purposes of the program of employee involvement and ownership; provided, however, that said director shall seek the advice of the commission prior to such appointment or such hiring.

Said director may accept gifts or grants of money or property from any source; provided, however, that any money received shall be deposited with the state treasurer to be kept in a separate fund in the treasury for expenditure without appropriation by the director in accordance with the conditions of such gift or grant.

The director shall, after consultation with the commission, issue such rules, regulations and procedures governing the application for and delivery of services provided for by sections seventeen to twenty-four, inclusive, which are deemed necessary for the proper performance of the duties of the program of employee

involvement and ownership.

Section 18. (a) The duties of the program of employee involvement and ownership shall be consistent with the provisions of section eighteen and shall include, but not be limited to:

(1) promotion of employee involvement and employee ownership;

(2) coordination with other available state programs, including the executive offices of manpower affairs and labor;

(3) education of state agency personnel who advise or provide assistance to businesses, individuals, public sector entities, and employee organizations about the implications of employee involvement and employee ownership for their agency's programs or services, including but not limited to training, assisting with staff development seminars, and facilitating the coordination of state agency resources;

(4) development of education programs, including, but not limited to, convening an annual conference with industry, government and labor participation to promote and discuss employee involvement and ownership in the commonwealth and elsewhere;

(5) provision of research and evaluation of public and private employee involvement as well as employee ownership including but not limited to conducting a survey of employee participation and management practices in the public and private sector;

(6) cooperation with all other state, federal and local agencies, departments and commissions, as is necessary, to carry out its duties and purposes;

(7) implementation of the advice and recommendation of the commission relative to improving the performance of its duties and purposes;

(8) creation of referral services including, but not limited to, a "loaned" executive and union leader program;

(9) assistance to private business through the provision of diagnostic resource and referral services in exploring the feasibility of establishing employee involvement programs;

(10) provision of grants to state agencies, the majority of whose employees are not subject to the provisions of chapter one hundred and fifty E, authorities of the commonwealth and the board of regents of higher education for employee involvement start-up efforts;

(11) provision of grants to regional and municipal authorities, cities and towns including the public school systems, regional school districts and independent vocational schools for employee involvement start-up efforts;

(12) review of private enterprises and businesses doing business with the commonwealth which have more than one hundred employees to assess their employee involvement efforts and compilation of a list of employee-owned firms which might provide products and services to the commonwealth;

(13) promotion of the creation, training and funding of area labor-management

committees, including the provision of grants to said area labor-management committees;

(14) development and issuance of procedures concerning the administration of the duties of the program of employee involvement and ownership consistent with the purposes of this chapter.

(b) The program of employee involvement and ownership shall perform research and evaluation concerning employee involvement and employee ownership efforts. The purpose of said research and evaluation shall be to:

(1) aid the employee involvement and ownership programs in the commonwealth in becoming more effective by learning through research and feedback of the information to the participants of such programs. Said research and evaluation shall involve program participants in the design survey instruments and feedback methods of such evaluation;

(2) assess and evaluate each project funded by said program to determine whether or not such project is meeting its own goals and the goals of this chapter; and

(3) provide information to the commission, the governor and the public so that informed decisions may be made about employee involvement and employee ownership in meeting the needs of the commonwealth.

A summary of such research and evaluation concerning employee involvement and ownership efforts shall be regularly published.

Section 19. The director may promote and accept requests for grants for start-up employee involvement programs in state agencies, the majority of whose employees are not subject to the provisions of chapter one hundred and fifty E, authorities of the commonwealth, the Massachusetts board of regents of higher education or any institution under its authority, regional and municipal authorities, cities, towns, regional school districts and independent vocational schools. The school committee of a city or town may request such grants for the public school system under its control. Any such grant to cities and towns for such public school systems shall be deposited with the treasurer of such city or town to be expended by the school committee without further appropriation. Such grant requests shall include, but not be limited to, an approved statement of purpose and an implementation plan to which participating labor and employer representatives have committed themselves in writing. Said grants shall be on a matching basis with said participating state agency, the majority of whose employees are not subject to the provisions of chapter one hundred and fifty E, authority of the commonwealth, Massachusetts board of regents of higher education, city, town, regional school district or independent vocational school funding. Said grants shall be used for, but not be limited to, training managers, union leadership and employees in employee involvement strategies and methods.

Said director is authorized to enter into memoranda of understanding with the state agencies including, but not limited to, the office of employee relations, the

department of personnel administration and the board of conciliation and arbitration, which are already actively involved in coordinating the commonwealth's employee involvement program. Such memoranda of understanding shall include, but not be limited to, joint sponsorship of conferences, workshops, and education and outreach materials.

Said director shall develop memoranda of understanding with state agencies which are or might be involved with employee ownership, including agencies of the commonwealth which are involved with providing capital sources.

Section 20. (a) The program of employee involvement and ownership shall assist applicants seeking to institute or implement employee-ownership projects by serving as an advocate for such applicants in obtaining financial and other assistance from private sources and from other governmental agencies. Said program shall make such applicants aware of the financial assistance available for qualified employee-ownership projects pursuant to this chapter and may, upon request, assist applicants in the preparation of applications for such financial assistance.

(b) Said program shall coordinate with and assist the board of trustees of the economic stabilization trust in the approval process for persons and businesses seeking financial assistance pursuant to this chapter for employee-ownership projects.

(c) Said program shall compile and make available to applicants a directory of qualified vendors of professional services essential to employee-ownership projects.

(d) Said program may assist applicants seeking to institute or implement employee-ownership projects by making the staff of said program available for aid in the preparation of legal and other necessary documentation.

(e) Said program may design and implement a special outreach program to inform and educate potential retiring owners of small businesses about the benefits of employee-ownership. Said program shall include, but not be limited to, generating a list of closely held businesses domiciled in the commonwealth, developing information materials, explaining the benefits and assistance available to retiring owners interested in selling their businesses to the employees of the business, and targeting said informational materials to the identified small business owners.

Section 21. No applicant shall receive assistance or funding from the program of employee involvement and ownership without the written consent and participation of any collective bargaining agent for the employees of the applicant's employer and, where said employees are not represented by any collective bargaining agent, without the written consent and agreement of the employer as determined by said program.

The new owners of an employee-owned business that receive funds through the program of employee involvement and ownership or the economic stabiliza-

tion trust, pursuant to this chapter, shall recognize that a condition of the receipt of any assistance including, but not limited to, a feasibility study, loan, financing or investment from said economic stabilization trust or program is the requirement that the new owners of said business shall retain and continue to recognize any duly certified collective bargaining agent and shall assume any existing contracts or other current agreement with employees, related to terms and conditions of work until the date of expiration of such contract or agreement.

Section 22. The program of employee involvement and ownership shall promote the creation of area labor-management committees and assist said committees in promoting employee involvement and ownership activities in manufacturing, service, and technical industries as well as in the public sector.

Said program may award grants to area labor-management committees on a competitive basis, promote the interaction of business and labor leaders in initiating employee involvement efforts, and perform other related matters.

Any area labor-management committees receiving such grants shall provide educational programs and outreach relating to employment involvement activities.

Said program shall provide technical support to said area labor-management committees, including staff training, public relations, developing educational materials and coordinating joint area labor-management committees' activities.

Section 23. No employee shall be disciplined, suspended, terminated, retaliated against or otherwise affected because of the employee's participation or nonparticipation in any employee involvement or employee ownership project or program or activity related to such project or program.

Section 24. The director shall annually submit a report to the governor, clerk of the house of representatives, clerk of the senate, and the commission within ninety days of the end of each fiscal year.

The report shall include: (a) a description of the activities of the program of employee involvement and ownership; (b) any recommendations to improve the performance of said program; and (c) a description and evaluation of state-wide employee involvement and employee ownership programs undertaken by and in the commonwealth.

SECTION 12. Section 1 of chapter 40K of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the definition of "Corporation" the following definition:-

"Employee-owned business", a corporation organized and operated pursuant to chapter one hundred and fifty-seven A or by a partnership consisting of at least three persons which is owned and controlled by the partners on a cooperative basis whereby the partners vote on partnership matters on one person, one vote basis and the ratio of partners to nonpartner employees is no less than one to one, or a business, the ownership of which is represented by shares and the governing body of which is elected by holders of shares in which more than fifty percent of the class of voting shares having the greatest combination voting power and

dividend rights and more than fifty percent of all other classes of shares are owned by (1) not less than seventy percent of the employees of such business, (2) an employee-stock ownership plan maintained by such business, or (3) a combination of the foregoing, subject to the following:

(i) shares of any class owned by an employee who owns more than fifteen percent of such class shall be treated as owned by someone other than said employee. For purposes of determining whether a person owns more than fifteen percent of a class, shares owned by the person's spouse, children or parents shall be treated as owned by said person.

(ii) voting shares owned by an employee stock ownership plan shall be taken into account only to the extent that the employee stock ownership plan passes the vote with respect to all shares held in trust through to employees.

SECTION 13. The last paragraph of section 6 of said chapter 40K, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 41, the word "and (b)" and inserting in place thereof the following:- , (b),- and inserting after the word "dislocation", in line 44, the following clause:-

and, (c) whose business is organized and operated as an employee-owned business.

Approved December 19, 1989.

Chapter 608. **AN ACT RELATIVE TO MEMBERSHIP IN THE STATE RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 32 of the General Laws is hereby amended by inserting after section 65D, as appearing in the 1988 Official Edition, the following section:-

Section 65D 1/2. Notwithstanding any provision of this chapter to the contrary, any member inactive of a retirement system appointed by the governor to a position as a chief justice, justice, associate justice, judge, associate judge or special justice may elect within thirty days of such appointment to become a member in service of the system pertaining to the position to which he is appointed, subject to the provisions of sections sixty-five A to sixty-five D, inclusive; provided, however, that any such member inactive who is receiving or had received a retirement allowance shall repay into the system from which he is receiving or had received such allowance the total amount of any such allowance received from the date of his retirement to the date of his again becoming a member in service.

SECTION 2. The provisions of this act shall apply to any inactive member of a retirement system serving in an appointed office as described in said section sixty-five D 1/2 of chapter thirty-two of the General Laws on or after the effective date of this act, and making the election provided for in said section sixty-five D 1/2

within thirty days of said effective date or of said appointment, whichever is later. Any such inactive member so serving and electing shall pay to the annuity savings fund of the system pertaining to the position to which he is appointed an amount equal to that which would have been withheld as regular deductions from his regular compensation, together with regular interest thereon, for the period of his service in such appointed office prior to such election, had such service been rendered as an active member of of said system. Upon completion of such payments, which shall be made in one sum or in installments, as the state retirement board shall prescribe, such member shall receive service credit for said period of service. In the event any new retirement allowance becomes effective for him before the completion of such payment, such member shall, in addition to credit for his actual membership service rendered since the date of such election, be entitled to credit for that proportion of said period which the total amount of payments actually made, together with regular interest thereon to the date his allowance becomes effective, bears to the total amount of what such payments, together with regular interest thereon to the effective date such allowance becomes effective would have been had the member made payment thereof in one sum on the effective date of such allowance.

Approved December 19, 1989.

Chapter 609. AN ACT DESIGNATING CERTAIN TRAFFIC ISLANDS IN THE CITY OF FALL RIVER AS ELKS SQUARE.

Be it enacted, etc., as follows:

SECTION 1. The traffic islands located on North Main street in the city of Fall River, directly opposite the Benevolent and Protective Order of Elks, Post #118 shall be designated as Elks Square, in recognition of their one hundred years of contribution to the greater Fall River area.

SECTION 2. The department of public works shall erect a suitable marker bearing said designation in compliance with the standards of said department.

Approved December 19, 1989.

Chapter 610. AN ACT FURTHER REGULATING THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 46 of the General Laws is hereby amended by striking out section 20, as appearing in the 1988 Official Edition, and inserting in place

thereof the following section:-

Section 20. Records of birth and death previously held by the superintendent of Tewksbury Hospital shall be transferred to the town clerk of Tewksbury. No certified copies of these records shall be issued by the superintendent of Tewksbury Hospital.

SECTION 2. Section ten of chapter one hundred and eleven of the General Laws is hereby repealed.

SECTION 3. Section fourteen of said chapter one hundred and eleven is hereby repealed.

SECTION 4. Said chapter 111 is hereby amended by inserting after section 69K, as appearing in the 1988 Official Edition, the following section:-

Section 69L. The commissioner shall establish rules for the control, movement and parking of vehicles on the lands within the charge of the department or the various institutions under its jurisdiction, and shall provide reasonable penalties for the violation of said rules. The commissioner may authorize the towing of vehicles parked in violation of said rules, and the owner of a vehicle which is towed shall be liable, in addition to the penalty for such violation, for the charge for removal and storage of the vehicle. Citations for violation of any rule established pursuant to this section may be issued by special police officers appointed pursuant to section ten C of chapter one hundred and forty-seven, local and county law enforcement personnel and the state police.

SECTION 5. Chapter 138 of the General Laws is hereby amended by striking out section 37, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 37. A certificate shall accompany each sample of beverages sent for analysis by an officer to the department of public health stating from whom the beverages were seized, the date of the seizure and the name and residence of the officer who seized said beverages. Said department shall note upon said certificate the date of the receipt and the analysis of said alcoholic beverages and the percentage of the alcohol or the composition and quality of said beverages, as the case may be, as required by section thirty-six on a form prescribed by said department of public health.

Approved December 19, 1989.

Chapter 611. AN ACT FURTHER REGULATING THE PRINTING OF BALLOTS.

Be it enacted, etc., as follows:

Section 32 of chapter 53 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last sentence.

Approved December 19, 1989.

Chapter 612. **AN ACT PROVIDING FOR THE CANCELLATION OF CERTAIN CONTRACTS FOR THE PURCHASE OF MEMBERSHIP CAMPING SO CALLED.**

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by inserting after section 48, as appearing in the 1988 Official Edition, the following section:-

Section 48A. For purposes of this section, the following words shall have the following meanings:

"Membership camping contract" or "Membership camping agreement" means any written agreement of more than one year's duration, executed in whole or in part within this commonwealth, which grants to a purchaser a nonexclusive right or license to use the campground of a membership camping operator or any portion thereof on a first come, first serve or reservation basis together with other purchasers. Membership camping contract or membership camping agreement also means any written agreement of more than one year's duration, executed in whole or in part within the commonwealth, which obligates the membership camping operator to transfer or which does in fact transfer to the purchaser title to or an ownership interest in a campground or any portion thereof, and which gives the purchaser a nonexclusive right or license to use the campground of a membership camping operator or any portion thereof, on a first come, first serve or reservation basis together with other purchasers.

Any person who signs a membership camping contract or membership camping agreement shall have the unqualified right to cancel such contract. This right of cancellation cannot be waived. The right to cancel expires at midnight on the third business day following the date on which the contract was executed. To cancel the membership camping contract, the purchaser must mail notice of your intent to cancel by certified United States mail to the membership camping operator at the address shown in the membership camping contract, postage prepaid. The membership camping operator is required to return all moneys paid in connection with the execution of the membership camping contract, upon proper and timely cancellation of the contract.

Approved December 19, 1989.

Chapter 613. AN ACT FURTHER REGULATING THE REGISTRATION OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 2 of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

If the registrar shall determine at any time that, for any reason, a motor vehicle or trailer is unsafe or improperly equipped or otherwise unfit to be operated, he may refuse to register such motor vehicle or trailer or, if it is already registered, may suspend or revoke its registration. The registration of every motor vehicle and trailer registered under this chapter, except those motor vehicles and trailers owned by the commonwealth or any political subdivision thereof that are exempt from the payment of fees provided for by section thirty-three, shall expire at midnight of the expiration date appearing on said certificate of registration as determined by the registrar. In no event shall a registration be valid for less than a period of twelve months.

Approved December 19, 1989.

Chapter 614. AN ACT FURTHER REGULATING THE ELIGIBILITY OF CERTAIN ELDERLY PERSONS FOR PUBLIC ASSISTANCE PROGRAMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 19A of the General Laws is hereby amended by adding the following section:-

Section 36. All proceeds from reverse mortgage loans held by or available to persons sixty years of age or older shall not be taken into consideration in determining eligibility or continuing eligibility for, or the amount of payment from, any medical or other public assistance program or any state or federal low interest loan or grant, unless such proceeds have become countable resources.

SECTION 2. Clause Forty-first A of section 5 of chapter 59 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, said board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action

which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under the provisions of this chapter, plus interest as hereinafter provided. A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

Approved December 19, 1989.

Chapter 615. AN ACT RELATIVE TO INTEREST ON INSURANCE PROCEEDS PAYABLE UPON THE DEATH OF THE INSURED.

Be it enacted, etc., as follows:

Section 119C of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Upon the death of an insured, the proceeds payable under any policy of individual life insurance which is in force on the date of death shall include the payment of interest at the rate for proceeds left on deposit with the insurer beginning thirty days after the death of the insured and shall not be payable until receipt by the insurer of proof of the insured's death.

Approved December 19, 1989.

Chapter 616. AN ACT RELATIVE TO TIME SHARING PROPERTY IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the terms "time-sharing" and "time-interval-ownership" shall mean the use, occupancy, or ownership of real property, which use, occupancy, or ownership circulates among the owners, users, or lessees thereof in accordance with a fixed or floating time schedule on a periodically-recurring basis.

SECTION 2. The town of Nantucket is hereby authorized to adopt zoning bylaws to regulate the time-sharing and time-interval-ownership of real property. Such bylaws may be enacted at any time subsequent to December thirty-first, nineteen hundred and eighty-seven. No such bylaw shall effect any time-share or time-interval-unit which was issued a certificate of occupancy on or before

December thirty-first, nineteen hundred and eighty-seven.

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

Approved December 20, 1989.

Chapter 617. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE LAND FROM THE CITY OF BEVERLY 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 sections forty E to forty J of chapter seven of the General Laws to acquire by eminent domain, by purchase or otherwise within the provisions of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five the hereinafter described parcel of land located in the city of Beverly which is being used by said city for public landing purposes for boats and to transfer the care, custody and control of said land to the department of public works for highway purposes in conjunction with the replacement of the Beverly-Salem bridge, so-called.

Said land is more particularly bounded and described as follows:-

Parcel 1-6. Said land is bounded north by Cabot Street about 32 feet; east by land now or formerly of Webkon Realty about 43 feet and 18 feet respectively; south along the proposed State location line by land now or formerly of the city of Beverly about 54 feet; west by land now or formerly of the Commonwealth of Massachusetts about 82 feet. Containing about two thousand six hundred and fifty-six square feet (2,656 s.f.).

The parcel of land to be acquired is shown on a plan entitled "Plan of Land in Beverly, Massachusetts, Proposed Land Taking From City of Beverly to Commonwealth of Massachusetts, Scale: 1"=40' dated September 27, 1988" which plan is to be kept on file with the chief engineer of the department of public works.

Approved December 20, 1989.

Chapter 618. **AN ACT AUTHORIZING THE CITY OF PEABODY TO ENTER INTO A CERTAIN CONTRACT WITH EMHART INDUSTRIES.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter three hundred and thirty-nine of the acts of nineteen hundred and twenty-five and chapter six hundred and forty-three of the acts of nineteen hundred and seventy-two or any other general or special law to the contrary, the city of Peabody is hereby authorized to enter into a contract with Emhart Industries, a corporation organized under the laws of the state of Connecticut, for the disposal of sanitary waste emanating from the property currently occupied by the Bostik Division of Emhart Industries, which property is located in the town of Middleton and the city of Peabody. Said contract shall be subject to the approval of the South Essex Sewerage District Board.

Said contract may allow for the use of the system of sewer mains, or any portion thereof, belonging to the city of Peabody. The councillors of the city of Peabody shall have the authority to enter into, extend, renew, amend or alter said contract, or any part thereof in agreement with said Emhart Industries and subject to the approval of the South Essex Sewerage District Board but in no instance shall said contract or any modification to it allow for the disposal of industrial waste.

Said Emhart Industries shall pay all costs, charges, and fees arising from, or incidental to its utilizing the mains, pumping stations, and related facilities owned by or available to the city of Peabody, including:

(a) Engineering, planning and drawing fees for the design or redesign of any mains or systems necessary to carry the flow from the property.

(b) Obtaining, utilizing and protecting easements or other rights necessary for laying mains to transport sanitary waste from the property to the mains of the city of Peabody.

(c) The laying, maintaining, and servicing of the mains laid from the property to the mains of the city of Peabody.

(d) All legal, engineering or other costs and fees connected with, or incidental to, the preparation for, connection with, or operation of the connection of mains belonging to Emhart Industries to the mains of the city of Peabody.

(e) The periodic cost of operation, as determined by the city of Peabody.

(f) A contribution toward bonded indebtedness as determined by the city of Peabody.

SECTION 2. The state tax commissioner is hereby authorized and directed to certify the valuation of that property of Emhart Industries from which the sanitary waste emanates for the purpose of assessing costs by:

(1) The South Essex Sewerage District to the city of Peabody for its share of the District costs, and

(2) The city of Peabody to said Emhart Industries for periodic costs of operation.

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

Approved December 22, 1989.

Chapter 619. **AN ACT FURTHER REGULATING THE LICENSING OF LOTTERY SALES AGENTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately regulate the licensing of lottery sales agents, 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 27 of chapter 10 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- Said director may refuse to issue a license to any person who has been convicted of a felony by a court of competent jurisdiction in the commonwealth or of any other state or of the United States and who, in the opinion of said director, is not of good moral character to act as a licensed agent to sell lottery tickets.

Approved December 22, 1989.

Chapter 620. **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.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 213 of the acts of 1988 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E through forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, 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.

EASEMENT I is shown as Easement "A" on a plan entitled "Easement Plan of

Land in Groton, Ma."; Scale 1" = 100'; dated May 13, 1988; revised November 30, 1988, prepared for the Town of Groton; prepared by David D. Lanata & Associates, Inc., Woburn, MA.

EASEMENT II is shown on a plan entitled: "Easement Plan of Land in Groton & Pepperell, MA.;" Scale: 1" = 100'; dated May 5, 1988, revised November 30, 1988, prepared for the Town of Groton, prepared by David D. Lanata & Associates, Inc., Woburn, MA. Said plans are on file in the office of the town clerk of the town of Groton.

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. This act shall take effect upon its passage.

Approved December 22, 1989.

Chapter 621. AN ACT PROVIDING FOR THE PAYMENT OF A CERTAIN MORAL OBLIGATION TO HOLLY SHEPARD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the payment of a certain moral obligation, 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. For the purpose of discharging a moral obligation of the commonwealth and notwithstanding any other general or special law to the contrary, there shall be paid out of the state treasury to Holly Shepard an annuity equal to the difference between *(i)* the benefits payable to her under section nine of chapter thirty-two of the General Laws, as adjusted pursuant to section one hundred and two of said chapter thirty-two, on account of the death of her husband, Timothy M. Shepard, while a police recruit at the Western Massachusetts Law Enforcement Academy in the city known as the town of Agawam, and *(ii)* the benefits which would have been payable to her had said Timothy Shepard died under the conditions set forth in section one hundred of said chapter thirty-two. Such annuity shall be payable as of the effective date of this act. Such payments shall be made to said Holly Shepard in monthly installments until her death or re-

marriage; provided, however, that the city of Pittsfield shall certify to the state treasurer any increase in the amount of salary which would have been paid to said Timothy Shepard had he continued in service as a police officer in the city of Pittsfield and had he received the maximum salary in such position. Any amounts payable hereunder shall be in addition to and not exclusive of amounts payable to said Holly Shepard or to any other beneficiary of said Timothy M. Shepard under the provisions of said section nine of said chapter thirty-two, as adjusted pursuant to said section one hundred and two of said chapter thirty-two.

There shall be allowed and paid out of the state treasury, subject to appropriation, to the Dery Funeral Home in the city of Pittsfield a sum in full satisfaction of the bill for funeral and cemetery expenses of Timothy M. Shepard. No such payment shall be made hereunder unless a certificate has been signed and filed with the state treasurer by the chief executive officer of said Dery Funeral Home certifying under pains and penalties of perjury that the amount payable hereunder represents the fair market value for goods and services rendered relative to said funeral and cemetery expenses; provided, however, that the amounts payable hereunder to said Dery Funeral Home shall be reduced by any amounts received by said Dery Funeral Home from any other source on account of such goods and services, and said Dery Funeral Home shall certify to the state treasurer under pains and penalties of perjury any such amounts so received, and the source of such payments. Any such amounts paid to said Dery Funeral Home by the city of Pittsfield under the provisions of section one hundred G or one hundred G and one-quarter, as applicable, of chapter forty-one of the General Laws shall be reimbursed by the commonwealth to said city of Pittsfield, upon filing with the state treasurer of such documentation as he shall require. Any such amounts paid by a member of the family of said Timothy M. Shepard shall be reimbursed by the commonwealth to such family member, upon filing with the state treasurer of such documentation as he may require.

SECTION 2. Notwithstanding the provisions of chapter thirty-two A of the General Laws or any other general or special law to the contrary, Holly Shepard shall be considered the surviving spouse of a state employee for the purpose of membership in the commonwealth's group insurance plans provided under said chapter thirty-two A.

SECTION 3. This act shall take effect as of July first, nineteen hundred and eighty-nine.

Approved December 22, 1989.

Chapter 622. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND IN THE TOWNS OF NEEDHAM AND WELLESLEY TO BABSON COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. Chapter six hundred and nine of the acts of nineteen hundred and eighty-six is hereby repealed.

SECTION 2. The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws subject to the requirements of section three of this act and such additional terms and conditions as the deputy commissioner may prescribe in consultation with the metropolitan district commission and the Massachusetts Water Resources Authority and subject to all rights, privileges and easements of record is hereby authorized to lease for a term of twenty-five years, certain land located in the towns of Needham and Wellesley to Babson College.

Said land is shown on a plan dated December 31, 1987 and entitled, "Commonwealth of Massachusetts, Metropolitan Water Works, Sudbury Aqueduct Land Plans", Scale 100 feet to an inch, Desmond Fitzgerald, Engineer, which Plan was recorded on January 1, 1898 as Plan No. 923"D", Plan Book 20, and is designated as Parcel 9 in an instrument of taking dated January 1, 1898, and recorded with Norfolk registry of deeds in Book 805, Page 121.

SECTION 3. Babson College shall assume all costs for appraisals, surveys, and other expenses as deemed necessary by said deputy commissioner for the leasing of said property.

SECTION 4. In the event the property is not used for the purpose described in section two within five years of the effective date of this act, or if the use for the aforementioned purposes ceases at any time, the property shall revert to the commonwealth under such terms and conditions as said deputy commissioner may prescribe.

Approved December 22, 1989.

Chapter 623. AN ACT FURTHER REGULATING THE PROCEDURE FOR THE COMMENCEMENT OF DIVORCES.

Be it enacted, etc., as follows:

Section 6B of chapter 208 of the General Laws, as appearing in the 1988 Official

Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- An action for divorce shall be commenced in probate court by the filing of a complaint.

Approved December 22, 1989.

Chapter 624. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO RELOCATE A PERMANENT EASEMENT IN THE TOWN OF RUTLAND.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws to accept a deed, approved as to form by the attorney general, conveying a permanent easement for access purposes to shaft 5 of the Quabbin Wachusett Aquaduct, the Coldbrook Tunnel over certain land owned by James M. Leger located in the town of Rutland subject to the requirements of section three and such additional terms and conditions as the deputy commissioner in consultation with the metropolitan district commission and the Massachusetts Water Resources Authority shall prescribe. Said land is bounded and described as follows:-

Parcel One

Beginning at a Massachusetts Highway bound (M.H.B.), on the Northerly sideline of the 1950 State Highway Alteration of Route 122A (Main Street) at highway station 212 and 37.54, thence S 71°-18'-43" W, thirty-six and nineteen one hundredths (36.19) feet along the Northerly sideline of Main Street, thence N 10°-51'-35" W, six hundred seventy feet (670.00) feet, thence N 0°-40'-40" E, one hundred feet (100) feet, thence N 10°-51'-35" W, six hundred thirty and sixty-five one hundredths feet (630.65) feet, thence N 19°-14'-45" W, nine hundred feet (900.00) feet to a point at the northwesterly end of said right of way, thence N 70°-45'-15" E, fifty (50.00) feet to the most northeasterly corner of the right of way, thence S 19°-14'-45" E, nine hundred three and sixty-six one hundredths (903.66), thence S 10°-51'-35" E, fourteen hundred three and thirty-four one hundredths (1,403.34) feet to a point in the northerly sideline of Main Street, the last seven courses being by other land of James M. Leger. Thence S 89°-04'-55" W, thirty-four and sixty-seven one hundredths (34.67) feet to the point of beginning, containing two and ninety-seven one hundredths (2.97) acres.

Parcel Two

Beginning at the most northeasterly corner of the right of way encompassing the proposed subdivision roadway, previously described. Thence N 22°-12'-50" E, two hundred seventy and twenty-six one hundredths (270.26) feet to an M.D.C.

northwesterly corner of existing right of way as shown on Plan Book 48, Plan 48, where it meets Parcel A, shown on said plan. Thence by parcel A, S 76°-04'-50" W, forty-six and forty-one hundredths (46.41) feet. Note that this course location provides access to Parcel A, and the continued right of way through it, as shown on Plan 142-103, at the same locations as right of way described on Plan 48-48, which this replaces. Thence S 22°-12'-50" W, two hundred seventy-six (276.00) feet to the northwesterly corner of right of way encompassing proposed subdivision roadway. Thence by northerly end of said roadway, N 70°-45'-15" E, fifty (50.00) feet to the point of beginning, containing ten thousand two hundred thirty-four (10,234) square feet. This right of way is centered on line between proposed lots which are designated now or formerly as Lots 26 and 27, on the Definitive Plan of the proposed subdivision.

Said land is shown on a plan entitled "Preliminary Plan of Land in Rutland, Massachusetts"; Scale 1" - 100'; (approx. only), December 10, 1987." Said plan is on file with metropolitan district commission and the Massachusetts Water Resource Authority.

SECTION 2. In consideration of the conveyance in section one, the deputy commissioner of the division of capital planning and operations is hereby authorized subject to the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws to convey be deed approved as to form by the attorney general a permanent easement over a certain parcel of land in the town of Rutland to James M. Leger subject to the requirements of section three and such additional terms and conditions as the deputy commissioner in consultation with the metropolitan district commission and the Massachusetts Water Resources Authority shall prescribe. Said land is described as follows:

Description of Existing Right of Way

Commonwealth of Massachusetts, M.D.C. Wachusett-Coldbrook Tunnel, Plan T7 of Land Takings Under Chapter 375, Acts and Resolves of 1926, as shown on Plan Book 48, Plan 48, recorded in the Worcester District Registry of Deeds (this is also shown on Plan Book 51, Plan 19, with identical descriptions). "Parcel E taking 12.5' each side of center line of right of way. Area of right of way 1.53 acres." "Note - Bearing and distances on 25 foot right of way refer to the center line."

Beginning on the northerly side of Parcel A,

Thence, S 5°-15' W four hundred sixty-three and five tenths (463.5) feet;

Thence, S 15°-47' E one hundred twenty-two (122.00) feet;

Thence, S 16°-21' E two hundred ninety-seven (297.0) feet;

Thence, S 1°-13' E seven hundred ninety-three and six tenths (793.6) feet;

Thence, S 29°-00' E three hundred and sixty-four and four tenths (364.4) feet;

Thence, S 39°-09' E three hundred sixteen (316.0) feet;

Thence, S 21°-09' E one hundred twenty (120.0) feet;

Thence, S 38°-31' E fifty-nine and six tenths (59.6) feet;

Thence, S 3°-05' E one hundred twenty-nine and eight tenths (129.8) feet;

ending at Route 122A (Main Street).

Description of Proposed Rights of Ways and Subdivision Roadway by Metes and Bounds:.

SECTION 3. The grantor of the new easement and the recipient of the existing easement shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of this property.

SECTION 4. If the aforementioned purpose as described in section two ceases at any time, said easement and right of way shall revert to the commonwealth under such terms and conditions as the deputy secretary may prescribe.

Approved December 22, 1989.

Chapter 625. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF KINGSTON.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Kingston may appoint such special police officers for the town of Kingston as said board deems 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 permanent intermittent police officers in the town of Kingston and shall be subject to the same training requirements as said permanent intermittent 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 said board. Said special police officers shall be sworn before the town clerk of the town 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 December 27, 1989.

Chapter 626. AN ACT EXEMPTING THE OFFICE OF THE CHIEF OF POLICE AND ALL OTHER POSITIONS IN THE POLICE DEPARTMENT OF THE TOWN OF PROVINCETOWN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of police chief and members of the police department of the town of Provincetown, 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 chief of police holding civil service status or the civil service status of any member of the police department of the town of Provincetown on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Provincetown at its next annual town election 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 such election:-

"Shall an act passed by the General Court in the year nineteen hundred and eighty-nine, entitled 'An Act exempting the office of the chief of police and all other positions in the police department of the town of Provincetown from the provisions of the civil service law', be accepted?"

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

Approved December 27, 1989.

Chapter 627. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF NORTH ANDOVER TO CONSIDER AND APPOINT JAMES P. GORDON AS TOWN MANAGER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or charter or by-law to the contrary, James P. Gordon shall be eligible for appointment to the position of town manager of the town of North Andover and the board of selectmen of said town are hereby authorized to consider and appoint said James P. Gordon as town manager of said town.

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

Approved December 28, 1989.

Chapter 628. AN ACT RELATIVE TO THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 516 of the acts of 1969 is hereby amended by striking out section 3, as amended by section 1 of chapter 492 of the acts of 1982, and inserting in place thereof the following two sections:-

Section 3. The cost of construction and other work authorized by this act shall not exceed the sum of one hundred and twenty million dollars, exclusive of interest on bonds and notes issued under the provisions of this act.

Section 3A. Notwithstanding the provisions of section three, if the board is required to construct additional treatment facilities and related works in order to comply with federal or state law requiring so-called secondary treatment including facilities planning, construction of a secondary treatment facility and construction of a residuals disposal facility, then the cost of construction and other work authorized by this act shall not exceed the sum of two hundred and ninety-five million dollars, exclusive of interest on bonds and notes issued under the provisions of this act.

SECTION 2. Said chapter 516 is hereby further amended by inserting after section 5A, inserted by section 2 of said chapter 492, the following two sections:-

Section 5B. To meet the cost of such additional construction and other works, including such interest, less the amount received for such purposes from the federal and state governments, and to fund temporary loans issued to meet such cost as hereinafter authorized, the treasurer of the South Essex Sewerage District, with the approval of the board, may issue serial bonds of the district to an amount not exceeding in the aggregate, the sum of ten million dollars. Said bonds shall bear on their face the words South Essex Sewerage District Loan, Act of 1989, shall bear the district seal, shall be authorized by vote of two-thirds of the board, shall bear such rate or rates of interest as shall be fixed by the treasurer with the approval of the board, shall be signed by the treasurer of said district and countersigned by at least a majority of the board, and shall be payable in not more than thirty years from their dates. Each issue of bonds herein authorized shall constitute a separate issue. Until such construction and other work is completed and the total cost thereof ascertained, to meet the cost of such construction and other work, said treasurer, with the approval of the board, may from time to time borrow for periods of not more than two years, and may refund or may renew said loans from time to time. The treasurer of said district in any year may also from time to time borrow to meet interest payments coming due in such year and to meet payments of principal on bonds issued hereunder when such payments must be met before the apportionment of costs for such year to the city or cities or town, or institutions responsible therefor, has been made as hereinafter provided, but the amounts of any such loans shall be added to and included in the next year's apportionment to said city or cities or town, or institutions of the cost of construction and other work hereunder, and the term of such loans shall not extend beyond the time limited for the making of such next year's apportionment. For any borrowings herein authorized, the treasurer of said district may from time to time issue notes of said district, which need

not bear the district seal, but shall be authorized, signed and countersigned, and bear interest as is herein provided for in the case of bonds, or may be sold at a discount fixed in the same manner that interest on bonds may be fixed hereunder, and such discount shall be treated as interest paid in advance. All indebtedness incurred in carrying out the provisions of this act shall be subject to such of the applicable provisions of chapter forty-four of the General Laws as relate to loans made by districts.

Section 5C. To meet the cost of such additional construction and other works required to provide so-called secondary treatment including facilities planning, construction of a secondary treatment facility and construction of a residuals disposal facility, including such interest, less the amount received for such purposes from the federal and state governments, and to fund temporary loans issued to meet such cost as hereinafter authorized, the treasurer of the South Essex Sewerage District, with the approval of the board, may issue serial bonds of the district to an amount not exceeding in the aggregate, the sum of one hundred million dollars. Said bonds shall bear on their face the words South Essex Sewerage District Loan, Act of 1989, shall bear the district seal, shall be authorized by vote of two-thirds of the board, shall bear such rate or rates of interest as shall be fixed by the treasurer with the approval of the board, shall be signed by the treasurer of said district and countersigned by at least a majority of the board, and shall be payable in not more than thirty years from their dates. Each issue of bonds herein authorized shall constitute a separate issue. Until such construction and other work is completed and the total cost thereof ascertained, to meet the cost of such construction and other work, said treasurer, with the approval of the board, may from time to time borrow for periods of not more than two years, and may refund or may renew said loans from time to time. The treasurer of said district in any year may also from time to time borrow to meet interest payments coming due in such year and to meet payments of principal on bonds issued hereunder when such payments must be met before the apportionment of costs for such year to the city or cities or town, or institutions responsible therefor, has been made as hereinafter provided, but the amounts of any such loans shall be added to and included in the next year's apportionment to said city or cities or town, or institutions of the cost of construction and other work hereunder, and the term of such loans shall not extend beyond the time limited for the making of such next year's apportionment. For any borrowings herein authorized, the treasurer of said district may from time to time issue notes of said district, which need not bear the district seal, but shall be authorized, signed and countersigned, and bear interest as is herein provided for in the case of bonds, or may be sold at a discount fixed in the same manner that interest on bonds may be fixed hereunder, and such discount shall be treated as interest paid in advance. All indebtedness incurred in carrying out the provisions of this act shall be subject to such of the applicable provisions of chapter forty-four of the General Laws as relate to loans made by districts.

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

Approved December 29, 1989.

Chapter 629. **AN ACT EXEMPTING THE POSITION OF TOWN ACCOUNTANT IN THE TOWN OF WEYMOUTH FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of town accountant in the town of Weymouth shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved December 29, 1989.

Chapter 630. **AN ACT AUTHORIZING AND DIRECTING THE ELECTION COMMISSION OF THE CITY OF CAMBRIDGE TO SEND CERTAIN INFORMATION TO REGISTERED VOTERS IN THE CITY OF CAMBRIDGE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the election commission of the city of Cambridge, at least ten days before any election at which a question shall be submitted solely to the voters of the city of Cambridge pursuant to any section of the General Laws including, but without limitation, section twenty-one C of chapter fifty-nine, shall cause to be printed and sent to each residence of one or more voters whose name appears on the latest voting list for said city the full text of such question, a fair and concise summary of such question prepared by the election commission of said city of Cambridge, and arguments for and against such question as provided in section two.

SECTION 2. The election commission of the city of Cambridge shall cause to be printed and sent, in the manner provided in section one, arguments for and against each question submitted solely to the voters of the city of Cambridge pursuant to any general law including, but without limitation, section twenty-one C of chapter fifty-nine. No argument shall contain more than two hundred and fifty words. Said election commission shall seek such arguments from the principal proponents and opponents of each such question and such arguments shall be filed with said election commission within such time as said election commission shall designate in a written notice to the principal proponents and opponents, at least

fourteen days from the date of such written notice. For the purposes of this section, the principal proponents and opponents of any such question shall be those persons determined by said election commission to be best able to present the arguments for and against such question. The principal proponents of any such question may include the first ten signers or a majority of the first ten signers of the petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of any such question, said election commission shall contact each political committee, as defined in section one of chapter fifty-five of the General Laws, to influence the outcome of the vote on such question and whose statement of organization is on file with the election commission of the city of Cambridge. If no argument is received by said election commission within the time allowed by this section, said election commission shall prepare such argument. All arguments filed with or prepared by said election commission pursuant to this section shall be open to public inspection at the office of the election commission and at the office of the clerk of said city of Cambridge.

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

Approved December 29, 1989.

Chapter 631. 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 Patrick Joseph Carver, as he is an attorney in the commonwealth, in the city of Boston on December thirty-first, nineteen hundred and eighty-nine, between Lisa Jean Monahan and Andy Harold Levine both of the city of Boston, and the state secretary shall issue to said Patrick Joseph Carver in his capacity as aforesaid, a certificate of such authorization.

Approved December 29, 1989.

Chapter 632. **AN ACT RELATIVE TO THE QUALIFICATIONS FOR THE POSITION OF EXECUTIVE ADMINISTRATOR IN THE TOWN OF FRAMINGHAM.**

Be it enacted, etc., as follows:

Section 1 of chapter 816 of the acts of 1975 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The person appointed to the position of executive administrator shall be at the time of appointment or become within six months thereafter, and remain as, resident of and domiciled in the town, or within twenty miles from the town line if specifically approved by the board of selectmen.

Emergency Letter: December 29, 1989 @ 5:09 P.M. Approved December 29, 1989.

Chapter 633. **AN ACT PROVIDING FOR THE APPOINTMENT OF TOWN TREASURER IN THE TOWN OF MONSON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town treasurer of the town of Monson shall be appointed by and serve at the will of the board of selectmen. The provisions of the law relative to treasurers shall, except insofar as the same may be inconsistent with the provisions of this act, apply to such town treasurer.

SECTION 2. Notwithstanding the provisions of section one, the incumbent in the office of town treasurer upon the effective date of this act shall continue to hold said office and to perform the duties thereof until the expiration of the term for which he was elected and the appointment and qualification of such town treasurer.

SECTION 3. This act shall take effect upon its acceptance by the town of Monson at the next town meeting.

Approved December 29, 1989.

Chapter 634. **AN ACT AUTHORIZING CERTAIN CONTINGENT VOTES IN TOWNS.**

Be it enacted, etc., as follows:

Section 21C of chapter 59 of the General Laws is hereby amended by adding the following paragraph:-

(m) A town may appropriate from the tax levy, from available funds, or from borrowing, contingent upon the passage of a referendum question under paragraph (g), (i 1/2), or (k), provided that: (1) the statement of the purpose in the appropriation shall be the same as the statement of purpose in the referendum question; (2) the appropriation vote shall not be deemed to take effect until the approval of the referendum question; (3) the first election at which the referendum question appears on the ballot must take place no later than forty-five days after the date of the appropriation vote, provided, however, that no such election shall take place later than ninety days after said vote (4) after a contingent appropriation from the tax levy, a tax rate for a town shall not be submitted for certification by the commissioner under section twenty-three until after a referendum question under paragraphs (g), (i 1/2), or (k) has been voted upon, or until forty-five days have passed, whichever period is shorter.

Approved December 29, 1989.

Chapter 635. AN ACT FURTHER REGULATING THE MARRIAGE OF CERTAIN INMATES WITHIN THE JURISDICTION OF THE HOUSE OF CORRECTION.

Be it enacted, etc., as follows:

Section 20 of chapter 207 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- In the case of persons, one of whom is incarcerated in a county house of correction, or a state correctional facility, such notice shall be given by either party to the intended marriage.

Approved December 29, 1989.

Chapter 636. AN ACT FURTHER REGULATING NOMINATION PAPERS IN THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

Section 5 of chapter 57 of the acts of 1976 is hereby amended by striking out the second sentence, as most recently amended by section 2 of chapter 23 of the acts of 1981, and inserting in place thereof the following sentence:- Such papers

shall be signed by not less than ten registered voters of the precinct in which the candidate resides, and shall be filed with the board of election commissioners at least thirty-five days before the election.

Approved December 29, 1989.

Chapter 637. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ROWLEY.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office may be recalled therefrom by the registered voters of the town as herein provided.

SECTION 2. Any one hundred registered voters of the town may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated, shall be addressed to the selectmen and shall contain the names of all 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 the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty-one days after the filing of the affidavit, and shall have been signed by at least twenty-five percent of the registered 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, if any. The town clerk shall, within seventy-two hours of receipt, submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient he shall submit the same with his certificate to the selectmen without delay, and the selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if said officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty days nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election

has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If 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 section. 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 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 the majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If the 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 within six months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters of the town has elapsed.

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

Approved December 29, 1989.

Chapter 638. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF SOUTHBOROUGH AS THE SERGEANT OSGOOD T. HADLEY MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge on state highway route 85 over state highway route 9 in the town of Southborough shall be designated and known as the Sergeant Osgood T. Hadley Memorial bridge in honor of Osgood T. Hadley who won the medal of honor in the Civil War. Suitable signs bearing such designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved December 29, 1989.

Chapter 639. **AN ACT PROVIDING RECIPROCITY OF CANADIAN NURSE LICENSURE IN MASSACHUSETTS.**

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 76A, as appearing in the 1988 Official Edition, the following section:-

Section 76B. Any person who has taken and passed the Canadian Nursing Board Examination before January first, nineteen hundred and seventy and meets the eligibility requirements of eight hundred hours of clinical study and two hundred and sixty-seven hours of theoretical study shall be eligible to take the National Council Licensing Examination in this commonwealth. Any person who has taken in English and passed the Canadian Nursing Board Examination after January first, nineteen hundred and seventy achieving a score greater than four hundred; and meets the eligibility requirement of eight hundred hours of clinical study and two hundred and sixty-seven hours of theoretical study shall be deemed to have met the standard substantially the same as those of this commonwealth for nurses and shall be licensed in this commonwealth without examination. Any person who has taken in French the Canadian Nursing Examination after January first, nineteen hundred and seventy, achieving a score greater than four hundred, and who meets the eligibility requirement of eight hundred hours of clinical study and two hundred and sixty-seven hours of theoretical study and has attained a score of at least five hundred and fifty on the English Proficiency Examination shall be deemed to have met the standard substantially the same as those of this commonwealth for nurses and shall be licensed in this commonwealth without

examination.

Approved December 29, 1989.

Chapter 640. **AN ACT AUTHORIZING THE CITY OF MEDFORD TO ISSUE AN INNHOLDER'S LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO THE TRUSTEES OF CC&F MYSTIC VALLEY I TRUST.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter one hundred and thirty-eight of the General Laws or any vote cast in the city of Medford pursuant to chapter five hundred and ninety-five of the acts of nineteen hundred and seventy-seven or any other general or special law, or any rule or regulation of the city of Medford to the contrary, said licensing authority is hereby authorized, subject to the approval of the alcoholic beverage control commission established under section forty-three of chapter six of the General Laws, to issue from time to time to an innholder duly licensed under chapter one hundred and forty of the General Laws to conduct a hotel, a license in accordance with section twelve of said chapter one hundred and thirty-eight for the sale of all alcoholic beverages on all days of the week, to be drunk on the premises shown as Lot 38 on a plan entitled "Mystic Center, Definitive Subdivision Plan of Land in Medford, Massachusetts." dated the tenth day of August, nineteen hundred and eighty-eight, revised on the twenty-ninth day of September, nineteen hundred and eighty-eight, on file with the Medford Community Development Board, and filed with the Land Court as Land Court Plan Number 24580-P, to the trustees of CC&F Mystic Valley I Trust under Declaration of Trust dated the twenty-third day of June nineteen hundred and eighty-nine, registered with the Middlesex South Registry District of the Land Court as Document number 802115; provided, however, that said licensing authority may not approve the transfer of said license to any person, organization or corporation other than said trustees or to such other person, organization or corporation which is approved by said licensing authority for use on said lot 38 only; and provided further that the issuing of this license shall reduce by one any increase in licenses issued under the provisions of said section seventeen.

Any license granted hereunder may be exercised only in the dining room or dining rooms and in such other public rooms or areas of the hotel as certified by said licensing authority and as said authority may deem reasonable and proper, and approve in writing. Such sales may also be made to registered guests occupying private rooms in the hotel and on outdoor patios, decks and in other public areas which are part of the hotel operation, if approved by said licensing authority.

Any license granted hereunder may be exercised only in the dining room or dining rooms and in such other public rooms or areas of the hotel as certified by said licensing authority and as said authority may deem reasonable and proper, and approve in writing. Such sales may also be made to registered guests occupying private rooms in the hotel and on outdoor patios, decks and in other public areas which are part of the hotel operation, if approved by said licensing authority. Except as set forth above, sales of alcoholic beverages may not be made on any other portion of said Lot 38.

There shall be no minimum seating capacity of any room, cocktail lounge, outdoor patio or deck, or other public area in the hotel in which alcoholic beverages are served pursuant to a license granted hereunder, nor shall there be any requirement that service of food be required in all areas so licensed. The licensing authority shall not require, as a condition to the issuing of a license hereunder, that parking be provided for the licensed establishment other than such parking as is required by applicable zoning requirements.

Except as expressly provided herein to the contrary, said licenses shall be subject to all the provisions of said chapter one hundred and thirty-eight.

Approved December 29, 1989.

Chapter 641. AN ACT AUTHORIZING THE CITY OF LYNN TO HOLD A CERTAIN SPECIAL ELECTION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or ordinance to the contrary the city of Lynn is hereby authorized to conduct a preliminary and election for the purpose of filling a vacancy in the office of councillor for Ward 4 in said city.

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

Approved January 2, 1990.

Chapter 642. AN ACT RELATIVE TO INSTALLATION OF AUTOMATIC SPRINKLER SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the General Laws is hereby amended by inserting after section 26H the following section:-

Section 26I. In a city, town or district which accepts the provisions of this section, any building hereafter constructed or hereafter substantially rehabilitated

so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code. In the event that adequate water supply is not available, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Owners of buildings with approved and properly maintained installations may be eligible for a rate reduction on fire insurance.

SECTION 2. Section 34 of said chapter 148, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 2 and 4, the word "fifty" and inserting in place thereof, in each instance, the words:- one hundred.

SECTION 3. The provisions of section one shall not apply to construction projects approved by permit within one year prior to acceptance of this act by a city, town or district.

Approved January 2, 1990.

Chapter 643. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF HOMELESS UNITY DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12PP, inserted by chapter 506 of the acts of 1989, the following section:-

Section 12QQ. The governor shall annually issue a proclamation setting aside February twentieth as Homeless Unity Day and recommending that such day be observed in an appropriate manner by the people.

Approved January 2, 1990.

Chapter 644. AN ACT RELATIVE TO CERTAIN CORPORATIONS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 180 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following clause:-

(f) "public charity", a corporation holding funds subject to the provisions of section eight of chapter twelve.

SECTION 2. Section 3 of said chapter 180, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A corporation may have one or more classes of members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment, the duration of membership and the qualification and rights, including voting rights, of the members of each class shall be set forth in the articles of organization or the by-laws. If a corporation does not have members, any action or vote required or permitted by this chapter to be taken by members of the corporation shall be taken by action or vote of the same percentage of the directors of the corporation.

SECTION 3. Section 6 of said chapter 180, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A corporation shall have in furtherance of its corporate purposes the powers specified in paragraphs (a) to (d), inclusive, and clause (k) of section nine of chapter one hundred and fifty-six B and the power to convey land to which it has a legal title. Except as otherwise provided in its articles of organization, a corporation shall have in furtherance of its corporate purposes all of the other powers specified in said section nine except those provided in paragraph (m). To the extent provided in its articles of organization, a corporation shall have the powers specified in sections nine A and nine B of said chapter one hundred and fifty-six B, except that a corporation which constitutes a public charity shall not have the power specified in said section nine B. No power referred to above shall be exercised in a manner inconsistent with this chapter or any other chapter of the General Laws, but this chapter shall not limit or reduce any powers of corporations whether general or special existing on October first, nineteen hundred and seventy-one.

SECTION 4. Section 6A of said chapter 180, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following two paragraphs:-

Except as otherwise expressly provided, a corporation may by its by-laws determine the manner of calling and conducting its meetings; the number of members which shall constitute a quorum; the mode of voting by proxy; and the tenure of office of the directors and officers and the manner of their selection and removal; and may annex suitable penalties to such by-laws, not exceeding twenty dollars for one offense; but no by-law inconsistent with law shall be made by a corporation. Special meetings of the members may be called by the president or the directors, and shall be called by the clerk, or in the case of the death, absence, incapacity or refusal of the clerk, by any other officer, upon written application of members representing at least ten percent of the smallest quorum of members required for a vote upon any matter at the annual meeting of members. In case

none of the officers is able and willing to call a special meeting, the supreme judicial or superior court, upon application of said number of members, shall have jurisdiction in equity to authorize one or more of such members to call a meeting by giving such notice as is required by law.

Unless the corporation's articles of organization or by-laws otherwise provide, a member may vote in person or by proxy. No proxy dated more than six months before the meeting named therein shall be valid and no proxy shall be valid after the final adjournment of such meeting. A proxy purporting to be executed by or on behalf of a member shall be deemed valid unless challenged at or prior to its exercise and the burden of proving invalidity shall rest on the challenger.

SECTION 5. Said chapter 180 is hereby amended by inserting after section 6A, as so appearing, the following two sections:-

Section 6B. If members of a corporation are entitled to vote on any corporate action but are not entitled to vote on action proposed under section seven or eight A, the corporation shall give to such members prior notice of any action proposed under said section seven or eight A. Such notice shall be given in any manner reasonably likely to make such members aware of the proposed action, and a defect in the giving of such notice shall not invalidate or otherwise affect such action.

Section 6C. A director, officer or incorporator of a corporation shall perform his duties as such, including, in the case of a director, his duties as a member of a committee of the board upon which he may serve, in good faith and in a manner he reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position with respect to a similar corporation organized under this chapter would use under similar circumstances. In performing his duties, a director, officer or incorporator shall be entitled to rely on information, opinions, reports or records, including financial statements, books of account and other financial records, in each case presented by or prepared by or under the supervision of (1) one or more officers or employees of the corporation whom the director, officer or incorporator reasonably believes to be reliable and competent in the matters presented, or (2) counsel, public accountants or other persons as to matters which the director, officer or incorporator reasonably believes to be within such person's professional or expert competence, or (3) in the case of a director, a duly constituted committee of the board upon which he does not serve, as to matters within its delegated authority, which committee the director reasonably believes to merit confidence, but he shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A director, officer or incorporator of a corporation shall not be liable for the performance of his duties if he acts in compliance with this section.

SECTION 6. Said chapter 180 is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. A corporation may authorize, by vote of two-thirds of its members entitled to vote thereon or, in the case of a corporation having capital stock, the holders of two-thirds of its capital stock entitled to vote thereon at a meeting duly called for the purpose, with notice given as provided in section six B, any amendment of its articles of organization, including a change of its purposes or name, or a restatement of its articles of organization which restatement may affect any permitted amendment; provided, however, that any provision added to or change made in its articles of organization by such amendment could have been included in, and any provision deleted thereby could have been omitted from, original articles of organization filed at the time of such meeting; and provided also, that no articles of amendment or restated articles of organization shall be approved and filed by the state secretary (i) if as a result thereof the name of a corporation subject to section twenty-six would be changed, until after approval of such change by the state secretary, or (ii) if the purposes of any corporation are to be amended to include purposes which are such that the articles of organization of a corporation newly organized under this chapter for such purposes must be approved by any department or officer of this commonwealth as a condition of organization under this chapter, until after approval of the articles of amendment or the restated articles of organization by such department or officer. Articles of amendment shall be signed and submitted to the state secretary in the manner prescribed in and subject to section seventy-two of chapter one hundred and fifty-six B, and restated articles of organization shall be signed and submitted to the state secretary in the manner prescribed in and subject to section seventy-four of said chapter one hundred and fifty-six B.

SECTION 7. Said chapter 180 is hereby further amended by inserting after section 8, as so appearing, the following section:-

Section 8A. (a) A corporation may authorize, by vote of two-thirds of its members entitled to vote thereon or, in the case of a corporation having capital stock, by the holders of two-thirds of its capital stock entitled to vote thereon, at a meeting duly called for the purpose, with notice given as provided in section six B, the sale, lease, exchange or other disposition of all or substantially all of its property and assets upon such terms and conditions as it deems expedient, except that no such vote shall be required if such transaction does not involve or will not result in a material change in the nature of the activities conducted by the corporation.

(b) The authorization by members of the mortgage or pledge of, or granting of a security interest in, property or assets of a corporation shall not be necessary except to the extent that the corporation's articles of organization or by-laws provide otherwise.

(c) A corporation constituting a public charity shall give written notice to the attorney general not less than thirty days before making any sale, lease, exchange, or other disposition not referred to in subsection (b) of all or substantially all of its

property and assets if that sale, lease, exchange or other disposition involves or will result in a material change in the nature of the activities conducted by the corporation, except that no such notice shall be required if a written waiver of such notice is executed by the attorney general before or after such sale, lease, exchange or other disposition. A certificate signed by an officer of the corporation which states that notice was not required, that notice was given, or that notice was waived by the attorney general, with respect to any sale, lease, exchange or other disposition of property by the corporation shall be conclusive in favor of any purchaser, lessee, transferee or other person relying thereon for purposes of determining compliance with the provisions of this subsection.

SECTION 8. Said chapter 180 is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. (a) Any two or more corporations as defined in section two and any such corporation and any other corporations organized under other laws of the commonwealth, if such other laws permit, may consolidate to form a new corporation, or may merge into a single corporation which may be any one of the constituent corporations, in the manner specified in this section. If one or more of such corporations constitutes a public charity, then the consolidated or surviving corporation shall be a public charity.

(b) Such corporations as desire to consolidate or merge shall enter into an agreement of consolidation or merger signed by an authorized officer of each corporation which shall set forth:

(i) the names of the corporations proposing to consolidate or merge and the name of the resulting or surviving corporation;

(ii) the purposes of the resulting or surviving corporation;

(iii) the terms and conditions of the consolidation or merger, including, in the case of any constituent corporation having capital stock, the method of retiring and cancelling such stock; and

(iv) the manner of fixing the effective date of the consolidation or merger, which shall be fixed as provided in section seventy-eight of chapter one hundred and fifty-six B.

The agreement of consolidation or merger may contain such other provisions as are permitted by section three to be included in the articles of organization of a corporation organized under this chapter, together with any provisions deemed necessary or desirable in connection with the consolidation or merger, including without limitation, a provision permitting the abandonment thereof, which are not inconsistent with the provisions of this chapter.

(c) The agreement of consolidation or merger shall be adopted by each of the constituent corporations by vote of two-thirds of its members entitled to vote thereon or, in the case of a constituent corporation having capital stock, by the holders of two-thirds of its capital stock entitled to vote thereon at a meeting duly called for the purpose in the manner prescribed in section seventy-eight of chapter

one hundred and fifty-six B.

(d) (1) Unless such agreement to consolidate or merge is abandoned pursuant to its provisions, articles of consolidation or merger shall be submitted to the state secretary in the manner prescribed in and subject to section seventy-eight of chapter one hundred and fifty-six B and shall become effective as provided in said section seventy-eight of said chapter one hundred and fifty-six B; provided, however, that no articles of consolidation or merger shall be approved and filed by the state secretary (i) if as a result thereof the location of a constituent corporation subject to section twenty-six would be changed, until after approval of such change by the state secretary, or (ii) if the purposes of the resulting or surviving corporation are such that the articles of organization of a corporation newly organized under this chapter for such purposes must be approved by any department or officer of this commonwealth as a condition of organization under this chapter, until after approval of the articles of consolidation or merger by such department or officer.

(2) The resulting or surviving corporation shall file a copy of the articles of consolidation or merger certified by the state secretary in the registry of deeds in each district within the commonwealth in which real property of any constituent corporation is situated or in lieu of such certified copy, a certificate issued by the state secretary in such form as he shall prescribe evidencing the filing and approval of articles of consolidation or merger hereunder, except that no filing need be made with respect to real property of a constituent corporation which is the surviving corporation of a merger.

SECTION 9. Said chapter 180 is hereby amended by striking out section 10A, as most recently amended by section 2 of chapter 509 of the acts of 1987, and inserting in place thereof the following three sections:-

Section 10A. (a) Any one or more corporations as defined in section two may consolidate or merge with one or more other corporations organized under the laws of any other state or states of the United States, if the laws of such other state or states permit. The constituent corporations may consolidate to form a new corporation, which may be a corporation of the state under the laws of which any one of the constituent corporations is organized, or they may merge into a single corporation which may be any one of the constituent corporations; provided, however, that if one or more of the constituent corporations constitutes a public charity governed by this chapter, the resulting or surviving corporation shall constitute a public charity governed by this chapter.

(b) (1) Such corporations as desire to consolidate or merge shall enter into an agreement of consolidation or merger which shall specify the state under the laws of which the resulting or surviving corporation is organized. If the resulting or surviving corporation is to be a corporation governed by this chapter, such agreement of consolidation or merger shall comply with the provisions of section ten.

(2) If the resulting or surviving corporation is to be governed by the laws of a state other than this commonwealth, the agreement of consolidation or merger shall comply with the applicable provisions of the laws of such state, and the resulting or surviving corporation shall agree in the articles of consolidation or merger that it may be sued in this commonwealth for any prior obligation of any constituent domestic corporation, any prior obligation of any constituent foreign corporation qualified under chapter one hundred and eighty-one, and any other obligation thereafter incurred by the resulting or surviving corporation, so long as any liability remains outstanding against the corporation in this commonwealth, and it shall irrevocably appoint the state secretary as its agent to accept service of process in any action for the enforcement of any such obligation, including taxes, in the same manner as provided in chapter one hundred and eighty-one.

(c) (1) The agreement of consolidation or merger shall be adopted by each of the constituent corporations in accordance with the laws of the state under which it is organized, and, in the case of a corporation governed by this chapter, in the manner provided in section ten.

(2) Unless such agreement is abandoned pursuant to its provisions, articles of consolidation or merger shall be signed and submitted to the state secretary in the manner prescribed in and subject to section seventy-eight of chapter one hundred and fifty-six B, and in the case of one or more constituent corporations organized under the laws of any other state, section seventy-nine of said chapter one hundred and fifty-six B, and shall become effective as provided in said section seventy-nine of said chapter one hundred and fifty-six B; provided, however, that if the resulting or surviving corporation is to be a corporation governed by this chapter, no articles of consolidation or merger shall be approved and filed by the state secretary (i) if as a result thereof, the location of a constituent corporation subject to section twenty-six would be changed, until after approval of such change by the state secretary, or (ii) if the purposes of the resulting or surviving corporation are such that the articles of organization of a corporation newly organized under this chapter for such purposes must be approved by any department or officer of this commonwealth as a condition of organization under this chapter, until after approval of the articles of consolidation or merger by such department or officer.

(d) The resulting or surviving corporation shall file a copy of the articles of consolidation or merger certified by the state secretary in the registry of deeds in each district within the commonwealth in which real property of any constituent corporation is situated, or in lieu of such certified copy, a certificate issued by the state secretary evidencing the filing and approval of articles of consolidation or merger, except that no filing need be made with respect to real property of a constituent corporation which is the surviving corporation of a merger.

Section 10B. Any consolidation or merger carried out in the manner specified in section ten or ten A shall have the effect set forth in section eighty of chapter one hundred and fifty-six B and the articles of merger or articles of consolidation,

as the case may be, may thereafter be amended in the manner provided in this chapter.

Section 10C. Every corporation shall, except as otherwise provided in this chapter, be subject to sections six, eight, ten, eleven, fourteen, thirty-two, thirty-five, thirty-seven, thirty-eight A, forty-three, forty-nine, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-eight, sixty-nine, one hundred and two, one hundred and four, one hundred and five, one hundred and six, one hundred and eight, and one hundred and fifteen of chapter one hundred and fifty-six B, except that the provisions of section fifty-five of said chapter one hundred and fifty-six B shall not affect the requirement under section eleven A of this chapter concerning the authorization of a petition for the dissolution of a charitable corporation constituting a public charity.

The foregoing provisions and the other provisions of said chapter one hundred and fifty-six B that are made applicable to corporations governed by this chapter shall be subject to the following: (a) those provisions of said chapter one hundred and fifty-six B that pertain to stock and stockholders, shares and classes or series of shares and stock and transfer records shall, except in the case of a corporation having capital stock outstanding, be applicable as nearly as may be to members, classes of members and records of membership; (b) the definitions of terms provided in this chapter shall be applicable; and (c) the filing fees provided in section eleven C of this chapter shall be applicable.

SECTION 10. Said chapter 180 is hereby further amended by inserting after section 26A, as so appearing, the following section:-

Section 26B. A corporation which is required to file annual reports with the state secretary shall be deemed to be in good standing with the state secretary if such corporation has filed all annual reports required to be filed by it with the state secretary, has paid all fees due with respect to such reports, the charter of the corporation has not been revoked pursuant to section twenty-six A, and the secretary has not received notice of its dissolution pursuant to section eleven, eleven A or eleven B. Upon the request of any person and payment of such fee as may be prescribed by law, the state secretary shall issue a certificate stating, in substance, as to any corporation meeting the requirements of this section, that such corporation appears from the records in his office to be in good standing.

SECTION 11. The fourth paragraph of section six A of chapter one hundred and eighty of the General Laws, inserted by section four of this act, shall take effect on January first, nineteen hundred and ninety-one.

Approved January 2, 1990.

Chapter 645. **AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO REIMBURSE A CERTAIN ERRONEOUS SEWER ASSESSMENT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Wilmington is hereby authorized to reimburse Frank and Mary Kaszynski the sum of three hundred thirty dollars and sixteen cents for a sewer assessment erroneously assessed to them by the water and sewer commissioners of said town.

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

Approved January 3, 1990.

Chapter 646. **AN ACT AUTHORIZING THE TOWN OF BARRE TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO PENN VALLEY CORPORATION.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Barre is hereby authorized to issue to Penn Valley Corporation d/b/a Penn Valley Country Store, a license for the sale of all alcoholic beverages, not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen.

Approved January 3, 1990.

Chapter 647. AN ACT RELATIVE TO IMPROVING THE INTERNAL CONTROLS WITHIN STATE AGENCIES.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the following internal control standards shall define the minimum level of quality acceptable for internal control systems in operation throughout the various state agencies and departments and shall constitute the criteria against which such internal control systems will be evaluated. Internal control systems for the various state agencies and departments of the commonwealth shall be developed in accordance with internal control guidelines established by the office of the comptroller.

(A) Internal control systems of the agency are to be clearly documented and readily available for examination. Objectives for each of these standards are to be identified or developed for each agency activity and are to be logical, applicable and complete. Documentation of the agency's internal control systems should include (1) internal control procedures, (2) internal control accountability systems and (3), identification of the operating cycles. Documentation of the agency's internal control systems should appear in management directives, administrative policy, and accounting policies, procedures and manuals.

(B) All transactions and other significant events are to be promptly recorded, clearly documented and properly classified. Documentation of a transaction or event should include the entire process or life cycle of the transaction or event, including (1) the initiation or authorization of the transaction or event, (2) all aspects of the transaction while in process and (3), the final classification in summary records.

(C) Transactions and other significant events are to be authorized and executed only by persons acting within the scope of their authority. Authorizations should be clearly communicated to managers and employees and should include the specific conditions and terms under which authorizations are to be made.

(D) Key duties and responsibilities including (1) authorizing, approving, and recording transactions, (2) issuing and receiving assets, (3) making payments and (4), reviewing or auditing transactions, should be assigned systematically to a number of individuals to ensure that effective checks and balances exist.

(E) Qualified and continuous supervision is to be provided to ensure that internal control objectives are achieved. The duties of the supervisor in carrying out this responsibility shall include (1) clearly communicating the duties, responsibilities and accountabilities assigned to each staff member, (2) systematically reviewing each member's work to the extent necessary and (3), approving work at critical points to ensure that work flows as intended.

(F) Access to resources and records is to be limited to authorized individuals as determined by the agency head. Restrictions on access to resources will depend upon the vulnerability of the resource and the perceived risk of loss, both of which shall be periodically assessed. The agency head shall be responsible for maintaining accountability for the custody and use of resources and shall assign qualified individuals for that purpose. Periodic comparison shall be made between the resources and the recorded accountability of the resources to reduce the risk of unauthorized use or loss and protect against waste and wrongful acts. The vulnerability and value of the agency resources shall determine the frequency of this comparison.

Within each agency there shall be an official, equivalent in title or rank to an assistant or deputy to the department head, whose responsibility, in addition to his regularly assigned duties, shall be to ensure that the agency has written documentation of its internal accounting and administrative control system on file. Said official shall, annually, or more often as conditions warrant, evaluate the effectiveness of the agency's internal control system and establish and implement changes necessary to ensure the continued integrity of the system. Said official shall in the performance of his duties ensure that: (1) the documentation of all internal control systems is readily available for examination by the comptroller, the secretary of administration and finance and the state auditor, (2) the results of audits and recommendations to improve departmental internal controls are promptly evaluated by the agency management, (3) timely and appropriate corrective actions are effected by the agency management in response to an audit and (4), all actions determined by the agency management as necessary to correct or otherwise resolve matters will be addressed by the agency in their budgetary request to the general court.

All unaccounted for variances, losses, shortages or thefts of funds or property shall be immediately reported to the state auditor's office, who shall review the matter to determine the amount involved which shall be reported to appropriate management and law enforcement officials. Said auditor shall also determine the internal control weaknesses that contributed to or caused the condition. Said auditor shall then make recommendations to the agency official overseeing the internal control system and other appropriate management officials. The recommendations of said auditor shall address the correction of the conditions found and the necessary internal control policies and procedures that must be modified. The agency oversight official and the appropriate management officials shall immediately implement policies and procedures necessary to prevent a recurrence of the problems identified.

Approved January 3, 1990.

Chapter 648. AN ACT RELATIVE TO WEAPONS CARRIED ON SCHOOL GROUNDS.

Be it enacted, etc., as follows:

Section 10 of chapter 269 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

Approved January 3, 1990.

Chapter 649. AN ACT RELATIVE TO THE JURISDICTION OF THE HOUSING COURT DIVISION OF THE TRIAL COURT.

Be it enacted, etc., as follows:

SECTION 1. Section 21D of chapter 40 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 85 and 86, inclusive, the words "housing courts of the city of Boston and the county of Hampden" and inserting in place thereof the words:- divisions of the housing court department of the trial court.

SECTION 2. The first paragraph of section 17 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any person aggrieved by a decision of the board of appeals or any special permit granting authority or by the failure of the board of appeals to take final action concerning any appeal,

application or petition within the required time or by the failure of any special permit granting authority to take final action concerning any application for a special permit within the required time, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the land court department, the superior court department in which the land concerned is situated or, if the land is situated in Hampden county, either to said superior court department or to the division of the housing court department for said county, or if the land is situated in a county, region or area served by a division of the housing court department either to said superior court department or to the division of said housing court department for said county, region or area, or to the division of the district court department within whose jurisdiction the land is situated except in Hampden county, by bringing an action within twenty days after the decision has been filed in the office of the city or town clerk.

Approved January 3, 1990.

Chapter 650. AN ACT REQUIRING DISCLOSURE OF INSURANCE INFORMATION BY LANDLORD OR LESSOR.

Be it enacted, etc., as follows:

Chapter 186 of the General Laws is hereby amended by striking out section 21, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 21. The landlord or lessor of any residential or commercial property, upon the written request of any tenant or lawful occupant, of any code or other law enforcement official or of any official of the municipality in which the property is situated, shall disclose in writing within fifteen days of such request the name of the company insuring the property against loss or damage by fire and the amount of insurance provided by each such company and the name of any person who would receive payment for a loss covered by such insurance. Whoever violates the provisions of this section shall be punished by a fine of not more than five hundred dollars. A waiver of this section in any lease or other rental agreement shall be void and unenforceable.

Approved January 3, 1990.

Chapter 651. AN ACT AUTHORIZING THE TOWN OF BOXBOROUGH TO GRANT A CERTAIN TAX EXEMPTION.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the town of Boxborough is hereby authorized to grant a property tax exemption to George W. and Barbara Robinson for a certain parcel of land with the building thereon located on Picnic street in said town of Boxborough, Assessors parcel 3-5-151, pursuant to the following conditions:-

(1) that said exemption shall continue only as long as the property is owned by George W. and Barbara Robinson or their heirs;

(2) that the property and building thereon be maintained and preserved as a one room school house historically significant to the town of Boxborough;

(3) that the property and building thereon continue to be accessible to the citizens of said town at no cost, for educational and historic purposes.

Approved January 3, 1990.

Chapter 652. AN ACT RELATIVE TO THE ESTABLISHMENT OF NATURE PRESERVES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 131 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the definition of "Marine fisheries" the following definition:-

"Nature preserve", an area of land that: retains or has recovered to a substantial degree its natural or primeval character; provided, however, that it need not be completely undisturbed; has native floral, faunal or ecological features of scientific or educational interest; or is necessary for the protection of land so described.

SECTION 2. Said chapter 131, as so appearing, is hereby further amended by inserting after section 10 the following four sections:-

Section 10A. The executive office of environmental affairs, the department or any other division of the department within said executive office may designate as qualifying as a nature preserve any real property owned by the commonwealth and under the care and control of said department, executive office or any of its divisions or departments. Such a parcel of real property shall be deemed to be a nature preserve upon the following:

The division shall after a determination that said parcel qualifies as a nature preserve hold a public hearing thereon in accordance with the provisions of chapter thirty A.

The division shall file with the secretary of the executive office of environmental affairs a statement dedicating said parcel as a nature preserve. Such statement shall include the reasons said parcel qualifies as a nature preserve and a plan for the

preservation and protection of said parcel as a nature preserve.

A nature preserve established in accordance with the provisions of this section shall be monitored and maintained as nearly as possible in its natural condition, and shall be used in a manner and under limitations consistent with its status as a nature preserve, without impairment or artificial development for the public purposes of present or future scientific research and education, and of providing a habitat for plant and animal species, communities and other natural objects and for preservation of areas representative of the significant habitats and ecosystems of the commonwealth.

Section 10B. A nature preserve council, hereinafter referred to as the council, shall be established and shall consist of seven members who shall be appointed by the secretary of the executive office of environmental affairs, four of whom shall be members of the nongame advisory committee, appointed pursuant to section five B, two of whom shall be trained in plant ecology and shall represent colleges, universities, outdoor education programs, primary and secondary schools, scienc e museums, and arboreta, and one of whom shall be knowledgeable in natural history and shall represent the general public. The members of the council shall be reimbursed for their necessary expenses incurred in the performance of their duties. Each member shall be appointed for a term of three years, except that for the initial term, three members shall be appointed for one year, two members shall be appointed for two years and two members shall be appointed for three years. Any person appointed to fill a vacancy shall serve for the unexpired term. Any member shall be eligible for reappointment.

The council shall annually select from among its members a chairman. The council shall hold meetings at least quarterly. Special meetings may be called by the chairman and shall be called by him upon written request of at least two members of the council. A written notice of the time and place of each meeting shall be sent to each member.

The council's duties shall include advising the division on policies and rules and regulations concerning nature preserves, consulting with the division regarding the nomination of potential nature preserves, assisting in the preparation of a plan for each nature preserve, and advising the division on budgetary matters related to such nature preserves. The council shall submit a biennial report to the governor on or before May first of such year, describing the condition of each nature preserve, outlining any actions taken by the council since the last report, and making any recommendations related to the nature preserve program which the council deems necessary.

Section 10C. A nature preserve established pursuant to section ten A shall be released in a manner consistent with the provisions of the constitution of the commonwealth. The division shall, in consultation with any other department or division within the executive office of environmental affairs which has control of

said parcel, consider the public interest in the conservation and preservation of such nature preserve and any federal, state or local program in furtherance thereof, any state, regional or local comprehensive land use or development plan affecting said parcel, and any proposal by a governmental body for the use of said parcel.

The provisions of this section shall not be deemed to affect in any manner any power pursuant to any general or special law to acquire by purchase, eminent domain or otherwise any real property for public purposes.

Section 10D. The division shall consult with the nature preserve council in implementing and effectuating the nature preserve program established pursuant to sections ten A to ten C, inclusive. The division shall promulgate rules and regulations to effectuate said nature preserve program.

SECTION 3. The initial report required to be filed with the governor by the nature preserve council pursuant to the provisions of section ten B of chapter one hundred and thirty-one of the General Laws shall be filed on or before May first, nineteen hundred and ninety.

Approved January 3, 1990.

Chapter 653. AN ACT ESTABLISHING THE BUDGET CONTROL AND REFORM ACT OF 1989.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine is hereby amended by striking out the sums set forth in those line-items which are identified by the same eight digit numbers as the line-items contained in section two of this act, and inserting in place thereof the sums set forth for the respective line-items in section two of this act. Said sums as amended shall be expended for the several purposes and subject to the conditions specified in the corresponding line-item in said section two of chapter two hundred and forty; provided, however, that the expenditure of sums provided in any line-item of which the purposes and conditions for expenditure are amended hereinafter shall be governed by the amended purposes and conditions. Said section two of chapter two hundred and forty is hereby further amended by striking out the purposes and conditions specified in any line-item which is identified by the same eight digit number as any line-item in section two of this act which specifies purposes and conditions for expenditures, and inserting in place thereof the purposes and conditions specified in the corresponding line-item contained in section two of this act. Said section two of chapter two hundred forty is hereby further amended by striking out the following line-items in their entirety:

0185-7846
2240-0601
8400-0040
8500-0001
9300-0003
9300-0500
9300-0600
9300-0800

SECTION 2.

LEGISLATURE.

Item		
0111-0000		$1,610,000
0119-0000		$27,000
0122-0000		$421,624
0124-0000		$924,240
0125-0040		$200,000
0127-0020	For administrative and legislative aides to the members of the house of representatives, provided that each house member shall only be allowed one such aide whether such aide be designated either an administrative or a legislative aide	$3,252,467

Item		
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; provided further that beginning July first of nineteen hundred and ninety, interns shall not receive financial compensation from this item; provided further that legislative interns shall receive certification of services for consideration of academic credit	$350,000
0127-0040		$691,050
0129-0000		$460,000
0131-0000		$380,908
0132-0000 For	the salaries of the chief general court officers, assistant chief general court officer, general court officers and pages of the senate and house of representatives with the approval of the sergeant-at-arms; provided further, that no new court officers shall be hired, prior appropriation continued	$2,365,000
0142-0000		$602,203
0143-0000		$750,000
0144-0000		$4,898,084
0147-0000		$190,000
0161-1000		$1,927,000
0164-0010		$20,000
0165-0000		$185,000
0169-7103		$812,230
0185-7209		$5,990
0185-7804		$9,667
0185-7821		$9,750
0185-7834		$27,860
0185-7840		$11,973
0185-7844		$9,333
0185-7853		$11,549
	Inspector General.	
0200-0100		$1,116,504
	OFFICE OF CAMPAIGN AND POLITICAL FINANCE.	
0210-0100		$438,750
	JUDICIARY.	
	Supreme Judicial Court.	
0321-0001		$215,712
0321-0100		$489,089
0321-2000		$495,039
	Appeals Court.	
0322-0002		$2,474,254

Item		
	Trial Court.	
0330-0100		$22,916,847
0330-0300		$3,472,250
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 fifty thousand dollars shall be expended for the supreme judicial court study of public council services mandated by this act	$7,274,802
0330-1000		$3,315,000
0330-2000		$2,820,550
0330-2010		$143,593
0330-2020		$307,793
0330-2200		$27,665,282
0330-2205		$6,814,437
0330-2300		$801,193
0330-2410		$413,250
0330-2500		$557,717
0330-2600		$1,313,108
0330-2700		$1,828,750
0330-2800		$2,389,745
0330-3200		$10,057,387
	Probate Court.	
0333-0002		$16,682,554
	Boston Municipal Court Department.	
0335-0001		$4,912,122
	Jury Commissioner.	
0339-2100		$1,243,700
	DISTRICT ATTORNEYS.	
0340-0100		$7,018,467
0340-0200		$5,179,921
0340-0300		$3,181,290
0340-0400		$3,464,010
0340-0500		$2,374,892
0340-0600		$1,499,791
0340-0700		$3,074,297
0340-0800		$2,277,743

Item		
0340-0900		$2,391,625
0340-1000		$1,007,272
0340-1100		$907,973
0340-2100		$1,085,375
	EXECUTIVE.	
0411-1000		$1,569,590
0411-1100		$350,681
0411-1110		$14,250
0411-1120		$4,750
0411-1140		$221,017
0411-1150		$885,000
0411-9000		$500,000
0412-1000		$536,321
0413-1000		$285,000
	Secretary of State.	
0511-0000		$5,306,560
0511-0200		$502,940
0511-0230		$170,474
0511-0250		$630,143
0511-0260		$262,999
0521-0000		$1,154,916
0524-0000		$33,250
0526-0100		$639,370
	OFFICE OF THE TREASURER AND RECEIVER-GENERAL.	
0610-0000		$8,797,105
0612-0100		$2,598,821
0630-0000		$66,833
0635-0000		$122,565
0640-0000		$58,091,392
0640-0100		$2,932,870
0640-0300	For the expenses of the operation of the Massachusetts cultural council, established by section fifty-two of chapter ten of the General Laws, as inserted by this act	$900,000
	Auditor.	
0710-0000		$10,404,259
0710-0100		$750,360

Item		
	Attorney General.	
0810-0000		$13,307,601
0810-0021		$1,431,920
0810-0031		$695,965
0810-0035		$401,824
0830-0100		$19,413
	State Ethics Commission.	
0900-0100		$933,164
	COMPTROLLER.	
1000-0001		$5,050,538
	EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.	
1100-1100		$950,811
1101-2100		$2,208,512
1101-2380		$13,937,685
1102-3210		$8,391,750
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 thirty-seven thousand five hundred dollars be available for the restoration and preservation of the historic flags displayed in the State House hall of flags; provided further, that not less than twelve thousand five hundred dollars be available for the State House art commission; and provided further, that the state superintendent of buildings shall conduct a study relative to the overnight leasing or renting of state owned and controlled parking spaces in Boston; and provided further, that the superintendent shall make a report, including his findings and recommendations, to the senate and house committees on ways and means on or before October thirty-first, nineteen hundred and eighty-nine, including not more than one hundred and fifty-two positions	$17,500,000
1102-5201		$386,204
1102-5211		$1,605,720
1103-5010		$4,092,975
1104-1000		$2,561,202
1104-1010		$241,819
1107-2400		$590,294
1108-0100		$221,112
1108-1000		$1,329,050
1108-1002		$847,475
1108-1003		$2,970,973
1108-1011		$279,483
1108-2500		$390,236
1108-4010		$1,284,418

1108-5100		$1,927,411
1108-6100		$3,176,216
1120-4005	For the administration of the library; provided, that not less than one hundred and fifty thousand dollars be obligated for the purchase of books, periodicals, and microfilms to maintain a current government research library collection, including not more than twenty-five positions	$909,108
1121-0100		$585,148
1150-5100		$1,210,490
1201-0100		$110,823,897
1231-0100		$6,236,253
1233-3100		$6,000,000
1310-1000		$987,986

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100	For the office of the secretary, including the expenses of: 1) the water resources commission; 2) the division of conservation services; 3) a program of coastal zone management; 4) a program of review of environmental impact reports pursuant to chapter thirty of the General Laws; provided that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any other of those state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies; including not more than seventy-five positions.	$2,412,544
	General Fund 85.55%	
	Local Aid Fund 14.45%	
2000-0200		$109,187
2050-0100		$196,911
2050-0200		$200,010

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

2100-0000		$26,212,757
2100-1107		$268,850

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

2200-0100		$23,220,415
2200-0101		$523,694
2260-8870		$3,884,807

DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

2300-0100		$319,434
2320-0100		$111,031
2330-0100		$2,541,374

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 $5,439,698

General Fund	82.0%
Inland Fisheries and Game Fund	15.0%
Environmental Challenge Fund	3.0%

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.

2410-1000 $1,521,433

2410-9061 $237,500

2420-1400 $5,147,844

2440-0010 $27,793,791

2440-0015 For the administration of the metropolitan district police commission; 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; provided further, that a special commission shall be created to study the implementation of the consolidation of the metropolitan district police, the capitol police, the state police and the registry police. Said special commission shall consist of nine members: three members of the house of representatives appointed by the speaker of the house; three members of the senate appointed by the president of the senate; the secretary of administration and finance, or a designee thereof; the secretary of environmental affairs, or a designee thereof; and the secretary of public safety, or a designee thereof. Said study shall include, but not be limited to, recommendations to resolve differences regarding jurisdiction, benefits, pensions, work conditions, civil service requirements, collective bargaining agreements, chains of command, organizational structure, and training amongst the four police divisions. Said recommendations shall be included in a preliminary report to be submitted to the house and senate committees on ways and means on or before April first, nineteen hundred and ninety. A final report regarding the implementation of the consolidation shall be submitted to the house and senate committees on ways and means on or before July first, nineteen hundred and ninety; including not more than six hundred and thirty positions $25,268,252

Local Aid Fund	36.0%
Highway Fund	64.0%

2440-0044 $66,500

2443-2000 $3,445,995

2444-9001 $1,441,665

Item		
2444-9004		$348,175
2444-9005		$2,096,250
2444-9006		$15,000
2460-1000		$3,427,600

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 twenty positions	$579,798
2511-3000		$1,562,211
2511-3002		$346,000
2511-4000		$896,106
2515-1000		$637,962

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 two positions	$536,515
2518-2500		$116,021

State Reclamation Board.

2520-0100	For the administration of the board, including not more than one position	$44,910
	Mosquito and Greenhead Fly Control Fund 100.0%	

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3000-0100		$4,246,090
3000-0200		$1,444,486
3000-0301		$54,388
3722-8878		$1,616,755
3722-8880		$428,979
3722-9001		$531,471
3722-9006		$2,000,000
3722-9018		$5,100,000
3722-9024		$149,518,146
3731-2003		$1,214,429
3743-2027		$1,569,000
3743-2036		$1,994,000

Item		
3743-2037		$142,500
3743-2039		$131,781
3744-4010		$432,000
3745-1000		$7,199,000
3745-2000		$92,529
3747-0001		$52,000
3748-0001		$6,827,461
	EXECUTIVE OFFICE OF HUMAN SERVICES.	
4000-0780		$5,500,000
4000-0791		$164,600
4001-0010		$750,000
	Massachusetts Commission for the Blind.	
4110-0001		$904,000
4110-2010		$377,751
4110-2040	For certain social services programs, provided that no less than fifty-two thousand dollars be expended for the radio reading program, so-called, for western Massachusetts, including not more than sixty positions	$5,409,632
	Massachusetts Rehabilitation Commission.	
4120-0010		$3,322,690
4120-0011		$5,887,207
4120-0012		$16,520,962
4120-0071		$7,214,990
	Massachusetts Commission for the Deaf.	
4125-0100		$3,525,496
	Office for Children.	
4130-0001		$1,375,564
4130-0002		$142,500
4130-0005		$7,224,718
4130-0006		$541,500
4130-0007		$1,962,605
4130-0016		$1,792,650
	Veteran Services.	
4170-0010		$1,422,000
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; provided that two of said outreach centers shall be closed as of July first, nineteen hundred and ninety	$948,619

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4170-0400		$10,890,165
4170-0800		$38,000
	DEPARTMENT OF YOUTH SERVICES.	
4200-0010		$3,375,976
4238-1000		$11,971,774
	DEPARTMENT OF CORRECTION.	
4311-0001		$5,839,596
4311-0003		$4,673,888
4349-0001		$164,666,500
4349-0008		$19,239,966
4349-0025		$5,800,000
	Parole Board.	
4380-0001		$9,777,253
	DEPARTMENT OF PUBLIC WELFARE.	
4400-1000 For	department management and support services including the development and maintenance of automated data processing systems and services in support of department operations, and for *the administration of department programs in local welfare offices* including a program of health services for certain recipients and the expenses of operating a food stamp program; provided, that the consolidation of local welfare offices shall be subject to prior approval of the house and senate committees on ways and means; and provided, that all expenditures for the development and maintenance of automated data processing systems and services in support of department operations and the MPACs project 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; and provided further, that the department is authorized to retain and expend without further appropriation an amount not exceeding two million five hundred thousand dollars due to a federal administrative cost settlement, including not more than three thousand eight hundred positions	$131,875,000
4400-1003		$13,376,631
4400-1009 For	a program to provide employment, training and voucher day care, so-called, for recipients and recent recipients of aid to families with dependent children and the absent parents of said recipients; provided, that the department may allocate funds to other agencies for this 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 participants in said	

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	employment and training program and for former participants within up to one year of completion of said program; provided further, that no "extended vouchers", so-called, shall be paid from this account; 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 any participating voucher provider with fifty or more voucher placements, where said placements constitute fifty or more percent 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 a participant receiving a voucher must make all reasonable efforts to use said voucher in a day care facility that contracts with the department of social services; 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; provided further, that the department shall report to the house and senate committees on ways and means by January first, nineteen hundred and ninety on revenue projections and the impact of federal regulations pursuant to the federal welfare reform act; and provided further, that said expenditures shall not exceed appropriation, including not more than ninety-seven positions		$72,853,409
	Reemployment and Job Placement Fund	6.8%	
	General Fund	93.2% .	
4406-3000			$29,300,000
	DEPARTMENT OF PUBLIC HEALTH		
4510-0100			$3,493,498
4510-0102			$583,413
4510-0103			$287,376
4510-0600			$2,945,046
4510-0601			$33,520
4510-0602			$36,000
4510-0611			$47,500
4510-0710			$4,711,566
4510-0750			$358,135
4510-0790			$321,935
4512-0103	For the administration of an acquired immune deficiency syndrome program; provided that not less than fifteen million, six hundred and seventy-six thousand dollars shall be expended for direct care services of which 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, not less than two million dollars shall be obligated for the purposes of providing testing and laboratory services, not less than three million one hundred thousand dollars shall		

be obligated for contracted education services, not less than two million six hundred thousand dollars shall be obligated for outpatient methadone maintenance programs, not less than seven hundred thousand dollars be obligated to comprehensive family planning providers, not less than nine hundred and fifty thousand dollars shall be obligated for inpatient hospice and residential facilities, 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, 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 percent 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-nine expenditures; and provided further, that at the end of fiscal year nineteen hundred and ninety, 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-four positions $18,574,445

4512-0200 For the administration of the division of alcoholism and division of drug rehabilitation; provided that not less than thirty-seven million six hundred and fifty-nine thousand, six hundred and ninety-four dollars shall be expended for direct care services of which not less than two hundred sixty-six thousand seven hundred and seventy-six dollars shall be obligated for an ambulatory alcohol and drug free case management program, including not more than thirty-five positions $38,809,295

4512-0500 $1,815,056

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 fourteen million six hundred and ninety-nine thousand and thirty-eight dollars shall be expended for direct care services of which not less than six hundred thirty-eight thousand dollars shall be expended for rape prevention and victim services of which no less than one hundred thousand dollars shall be expended for the Worcester region and no less than forty-five thousand dollars shall be expended for the Blackstone Valley Rape Crisis Center; provided further, that not less than one million, four hundred and eighty-nine thousand and thirty-six dollars shall be expended for comprehensive adolescent health and pregnant and parenting programs; provided further, that two hundred and fifty thousand dollars shall be expended on community-based prenatal outreach and education programs targeted to those communities with severe infant mortality issues, including not more than one hundred and fourteen positions $19,112,007

Item

DEPARTMENT OF MEDICAL SECURITY.

4600-1000 $1,790,750
4600-1050 $475,000
4600-1300 $6,000,000

DEPARTMENT OF SOCIAL SERVICES.

4800-0015 $13,529,675
4800-0025 $2,128,741

DEPARTMENT OF MENTAL HEALTH.

5011-0100 $20,741,814
5046-0000 $151,401,605
5047-0000 $49,604,501
5049-0000 $6,928,539
5095-0000 $174,067,284

DEPARTMENT OF MENTAL RETARDATION.

5911-0025 $24,672,482
5911-0100 $10,994,717
5948-0000 $246,689,660

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.
Office of the Secretary.

6000-0100 $381,020
6006-0003 $375,859

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; provided further, that notwithstanding any other general or special law to the contrary, those positions provided for in section five of chapter sixteen of the General Laws shall be classified in accordance with section forty-five of chapter thirty, and the salaries for such positions shall be determined in accordance with section forty-six C of said chapter thirty, including not more than three thousand one hundred and one positions $90,800,000

Highway Fund 100.0%

6020-2501 $5,518,000
6020-2505 $171,000
6030-7601 $4,864,588
6034-0009 $14,283,803

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	THE BOARD OF LIBRARY COMMISSIONERS.	
7000-9101		$682,679
7000-9502		$467,644
	THE DEPARTMENT OF EDUCATION.	
7010-0005		$9,167,500
7028-0302		$7,445,000
7030-0200	For the operation of the regional education centers; including the Springfield regional education center, the Central Massachusetts regional education center in West Boylston and the Southeast regional education center in Lakeville; including not more than one hundred and twenty-five positions	$3,550,000
7032-0301		$744,500
7035-0002		$4,061,825
7051-0015		$250,000
7052-0004		$8,525,416
7052-0005		$118,005,617
7061-1000		$109,785,000
7061-4000		$1,714,000
7061-5000		$1,014,449
	THE BOARD OF REGENTS OF HIGHER EDUCATION.	
7066-0000		$3,240,185
7066-0003		$2,327,500
7066-0008		$158,973
7070-0065		$82,674,768
7100-0100		$583,451,646
7100-0160	For the expenses of the Northeast consortium of colleges and universities of Massachusetts; provided, however, that no funds shall be expended from this item for expenses incurred on or after January first, nineteen hundred and ninety	$90,207
	EXECUTIVE OFFICE OF PUBLIC SAFETY.	
8000-0110		$1,995,674
8000-0160		$361,000
8200-0200		$2,583,750
8311-1000		$1,431,487
8312-0000	For the administrative salaries of the central office of police, including the division of the state police, division of law enforcement of the registry of motor vehicles, and the capitol police force, including not more than two hundred and sixty positions	$8,100,000
8312-0100	For the operation of the division of state police; 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	

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	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 unless they are replaced by another officer, including not more than one thousand and seventeen positions	$44,013,818
8312-0102 For	the operation of the division of law enforcement of the registry of motor vehicles police division, including the safety and emissions inspections program authorized by chapter ninety of the General Laws, including not more than two hundred and seventy-nine positions	$10,172,830
8312-0103 For	the operation 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 sixty positions	$2,391,994
8312-0104 For	police overtime expenditures, provided that all expenditures from this item shall be for overtime expenses for the division of state police, division of law enforcement of the registry of motor vehicles, and the capitol police force, provided further, that the commissioner of public safety shall approve all expenditures from this item and shall produce a report detailing the expenditures from this item, provided that said report shall include the police agency incurring overtime costs, the amount and type of overtime specified in dollars and time, and the average overtime paid per officer, provided further, that said report shall be filed monthly with the house and senate committees on ways and means	$4,829,025
8312-2060		$70,034
8314-1000		$364,904
8315-1000		$2,427,596
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, and the director of employee relations shall not be subject to civil service law and rules; provided further, 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 percent 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 further, that the registrar shall file with the clerks of the house and senate a plan to close certain registry offices, and no reduction in the amounts otherwise available to or closing of any registry office shall take effect until such plan shall have been approved by the	

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	general court, provided further that said plan shall be deemed to have been approved unless it shall have been disapproved by resolution of the house and senate within thirty days of the date on which it is filed with said clerks, provided further that no such plan need be filed and no such approval shall be required for any reduction in the amounts available to or any closing of the offices located at 100 Nashua street in the city of Boston, including not more than seven hundred and thirty positions	$23,185,922
	Highway Fund 100.0%	
8400-0002		$2,854,459
8600-0001		$403,750
8700-0001		$3,850,950
8800-0001		$605,254
	EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.	
9000-0100		$475,000
9000-0101		$360,651
9000-0104		$57,005
9000-0110 For	the expenses of the centers of excellence corporation, including the photovoltaic center, provided that said photovoltaic center shall not have more than six positions; provided further, that a report of all revenues, expenditures, assets and liabilities of the corporation be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means	$925,255
9000-1801		$1,168,869
9000-1802		$75,000
9000-1900		$5,586,000
9000-1920		$1,327,524
9000-2000		$316,577
9000-2100		$650,750
9000-2200		$558,600
9081-7006		$150,000
9081-7007		$714,282
9081-7010		$750,785
9081-7011		$1,456,250
9081-7016		$693,146
	EXECUTIVE OFFICE OF ELDER AFFAIRS.	
9100-0100		$2,762,519
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, which shall include a sliding fee program in which all qualified elders shall participate, which shall include provisions for the waiver of said fee if in the opinion of the secretary of the executive office of elder affairs the assessment of such a fee would produce extreme financial hardship to the affected individual	

or individuals; provided further, that said program shall be administered by the executive office of elder affairs in such a manner as to allow for the retention of revenues accrued from such sliding fees by the individual home care corporations funded through item 9110-1631 of this act, without reallocation by said executive office; provided further, 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 secretary shall transmit to the house and senate committees on ways and means no later than thirty days of the effective date of this act a plan indicating the estimated monthly caseload to be supported by the appropriation in this item; provided, further, that anticipated monthly deviations from this initial estimated caseload of greater than two and one-half percent shall require said secretary to notify said committees no later than thirty days following the month reported; provided further, that not more than one million, four hundred thousand dollars shall be obligated for the purchase of certified home health services for elders who are not eligible for Medicaid; provided further, that said certified home health services shall include, but are not limited to, home health aid, nursing management and nursing assessments; provided further, that not 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 percent of the funds appropriated herein for home care services may be used 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, as described in lines 38-43 of item 9110-1630 of section two of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight; 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; and provided further, to ensure an adequate caseload may be serviced not more than two percent of the funds appropriated herein may be transferred from this item for the expenses of case management services in item 9110-1631, and upon the written approval of the house and senate committees on ways and means $79,168,783

9110-1631 For contracts between the executive office 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 executive officer; provided further, to ensure an adequate caseload be serviced, not more than two percent of the funds appropriated herein may be transferred from this item for the direct purchase of home care, home health or related services in item 9100-1630 and upon the written approval of the house and senate committees on ways and means; and provided further, that the executive office of elder affairs will provide assistance needed to proceed with the

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	long term care insurance demonstration, including assistance providing assessment of functional status for potential participants in the so-called long term insurance program as well as providing assistance in service planning for participants in the insurance program who are eligible for benefits	$40,995,604
9110-1640		$563,424
9110-1665		$45,064
9110-1900		$6,720,628
	EXECUTIVE OFFICE OF CONSUMER AFFAIRS.	
9200-0100		$685,623
9200-0150		$283,709
9210-0001		$2,564,707
9212-0001		$1,122,138
9215-0001		$325,097
9218-0100		$724,053
9221-1000 For	the office of the commissioner, including not more than two hundred and twenty-one positions	$7,907,861
9222-0100		$5,545,922
9230-0001		$4,068,081
9230-0150		$2,079,523
	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 ninety shall be made at a rate sufficient to produce not less than three million three hundred and fifteen thousand one hundred and ninety-eight dollars, including not more than eighty-six positions	$3,300,755
9272-0001		$951,636
	Division of Energy Resources.	
9275-0003 For	the administration of the division of energy resources; provided, that expenditures for the energy forecasting program shall be assessed upon utility companies as authorized by chapter twenty-five A of the General Laws, including not more than forty-seven positions	$1,040,151
9275-0004 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, provided that the expenditures from this item shall be assessed upon utility companies in accordance with the provisions of said laws, including not more than nine positions	$170,000

Item

Energy Facilities Siting Council.

9275-0500 For the expenses of the energy facilities siting council; provided, that the expenditures from this item to the maximum amount of seven hundred thousand dollars shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws; provided further, that the excess over the appropriated amount shall be placed in an expendable trust account, to be spent or maintained from year to year by the council for the limited purpose of reviewing major energy facilities, without further appropriation and not subject to reversion to the General Fund; provided further, that the balance remaining in the expendable trust account shall be deducted from the following year's assessment of the electric and gas companies; provided further, that the amount collected from the utilities in the following year shall not be less than the amount appropriated for that year; provided, further, that amounts incurred on account of fringe benefits of state personnel compensated from this item shall be assessed upon utility companies in accordance with the provisions of said chapter one hundred and sixty-four of the General Laws and that amounts so assessed shall be credited to the General Fund; provided further, that the position of executive secretary of the council shall be exempt from the provisions and requirements of job classification by the undersecretary of human resource administration under chapter thirty of the General Laws, including not more than fourteen positions $570,000

EXECUTIVE OFFICE OF LABOR.

9400-0102	$81,829
9400-1711	$1,075,000
9410-0001	$5,713,735
9420-0100	$710,490
9421-0100	$423,372
9430-0100	$907,370

SECTION 2B. Item 0111-9000 of section 2B of chapter 240 of the acts of 1989 is hereby amended by striking out the figure 523,086 and inserting in place thereof the figure:- 323,086.

SECTION 3. Section 2C of said chapter 240 is hereby amended by striking out items 1100-1103, 1102-5216, 1121-0510, 2120-0810, 4130-0005, and 4513-1012.

SECTION 4. Section 2C of said chapter 240 is hereby amended by inserting the following items:-

SECRETARY OF THE COMMONWEALTH.

Item

0511-0010 The secretary of state may expend revenues in an amount not to exceed seventy-five thousand dollars collected from a twenty-five dollar fee for late filing of corporation annual statements

of condition, hereby authorized, for an ongoing review of said statements by the corporations division of the office of said secretary, including the costs of personnel $75,000

0511-0020 The secretary of state may expend revenues in an amount not to exceed one hundred and sixty thousand dollars collected from fees charged for the filing of annual statements of conditions of corporations, for the expenses of a one-time project to notify and bill corporations delinquent in filing annual reports or statements of condition, and to develop automated systems for the future notification of corporations of annual reporting requirements and periodic dissolution of non-complying corporations, as authorized by law; provided, that said secretary shall, in cooperation with the commissioner of revenue, develop language to be included in the business corporation excise form instructions that sets forth the corporation's responsibility to file such reports or statements with the secretary of state $160,000

TREASURER.

Massachusetts Cultural Council.

0640-2003 Notwithstanding any provisions of any general or special law to the contrary, the Massachusetts cultural council, established by section fifty-two of chapter ten of the General Laws, as inserted by this act, hereinafter referred to as the Council, may expend an amount not to exceed five million dollars, including those amounts provided pursuant to section fifty-seven of said chapter ten, which the state comptroller is hereby directed to transfer from the State Arts Lottery Fund to the Local Aid Fund, for distribution semi-annually by the 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, provided further, that 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 $5,000,000

0640-2009 Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts cultural council, established by section fifty-two of chapter ten of the General Laws, as inserted by this act, is hereby authorized to expend not more than eleven million two hundred thousand dollars which the state comptroller is hereby authorized to transfer from the state lottery fund to the general fund to be expended as authorized herein; provided, that the state lottery commission shall reduce the payment of prizes to holders of winning tickets or shares by the amount authorized to be expended herein, the provisions of any general or special law to the contrary notwithstanding; provided further, that the amount authorized to be expended herein shall be used for the payment of grants for projects and productions of the Massachusetts cultural council; provided further, that not less than seven percent of available funds shall be expended on projects and productions which are community based non-professional activities, to be in addition to any available funds for this purpose; provided

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further, that not less than three million seven hundred thousand dollars be available for the purposes of the Community Resource Act as provided in section thirty-six of chapter sixty-nine of the General Laws, as amended; provided further, that not less than fifty thousand dollars shall be available to the Riverside Theatre Works; provided further that not less than forty-one thousand dollars shall be available for a grant program of "scholars in residence"; provided further, that not less than one million two hundred thousand dollars shall be available for the Massachusetts Corporation of Educational Telecommunications, pursuant to a plan that has been filed with the general court $11,200,000

ADMINISTRATION AND FINANCE.

1100-1103 The commissioner of administration may expend, for the operations of the office of mediation services, including the cost of personnel for said office, an amount not to exceed five hundred thousand dollars of revenues accrued from charges hereby authorized, to agencies, cities, towns, and other political subdivisions of the commonwealth or to corporations and individuals by said office of mediation services and other services provided to such entities by said office of mediation services $500,000

Motor Vehicle Management Bureau.

1102-5216 The motor vehicle management bureau may expend an amount not to exceed one million two hundred thousand dollars from revenues received by the commonwealth from the disposal of surplus motor vehicles, including but not limited to state police vehicles, provided that no expenditures shall be under this section without prior approval of the commissioner of administration; provided further, that said revenues may be expended on existing lease purchase obligations in items 1102-5211 and 1599-3408 in section two of this act $1,200,000

Department of Environmental Management.

2120-0810 The department of environmental management may expend revenues not exceeding three million five hundred thousand dollars accrued from admission fees, parking fees and concessions at pools, rinks, parks, forests and beaches maintained by the department for 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, however, that said revenues may be expended by said department only in the following manner: the first two million one hundred fifty thousand dollars accrued from said fees and concessions in fiscal year nineteen hundred and ninety may be expended as authorized herein, whereas an additional five hundred thousand dollars may be

expended from revenues collected from said fees and concessions in excess of a total of three million seven hundred thousand dollars, provided further, that not less than one hundred dollars of this amount shall be expended on automating reservation and fee collection systems, provided further, that an additional eight hundred and fifty thousand dollars may be expended from revenues from said fees and concessions in excess of a total of six million two hundred thousand dollars $3,500,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2350-0310 The department of fisheries, wildlife and environmental law enforcement may expend an amount not to exceed fifty thousand dollars for the establishment of regulations, and the division may expend an amount not to exceed thirty-five thousand five hundred twenty dollars to administer the boat titling program, and the division may expend an amount not to exceed eighteen thousand dollars for the operation and maintenance of an offshore patrol boat in the coastal waters of the commonwealth, from revenues accrued from the collection of fines, penalties and forfeitures accrued under sections six F and six G of chapter twenty-one of the General Laws, provided that the complaining officer is an environmental police officer or a deputy environmental police officer and from revenues accrued from the collection of boat titling fees, pursuant to chapter ninety B of the General Laws as established in this act $85,520

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.
Division of Watershed Management.

2420-0012 The division of watershed management shall retain one-half of the revenue raised from logging and related forestry operations on land under the authorization and direction of said division; provided, that revenues retained may be expended on the costs of operating and maintaining said program, including the purchase of equipment, supplies, and materials incidental thereto; provided further, that revenue retained shall not exceed two hundred thousand dollars $200,000

2440-0009 The metropolitan district commission may expend an amount not to exceed twenty thousand dollars accrued from fees collected from public parking in the metropolitan district commission's lot at two hundred and fifty Warren Avenue in Boston, for the sole purpose of staffing said parking lot during high capacity North Station events $20,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.
Division of Community Affairs - Housing Appeals Process.

3722-9319 The department of community affairs may expend an amount not to exceed seventy-five thousand dollars accrued from fees collected through the comprehensive permit process established

pursuant to chapter seven hundred and seventy-four of the acts of nineteen hundred and sixty-nine, including the costs of personnel, subject to the approval of the secretary of the executive office of communities and development, including not more than three positions $75,000

EXECUTIVE OFFICE OF HUMAN SERVICES.
Office for Children.

4130-0005 The office for children may expend revenues in an amount not to exceed two hundred and thirty thousand dollars, accrued through day care licensing fees and the supplying of day care lists $230,000

Department of Public Health.
Infant Formula Price Enhancement.

4513-1012 The commissioner of the department of public health may expend an amount not to exceed ten million dollars from revenues received from the infant formula price enhancement system, hereby authorized, for the purpose of increasing the caseload of the WIC program $10,000,000

Board of Regents.

7100-1111 Notwithstanding the provisions of any general or special law to the contrary, the boards of trustees 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 twenty-seven million five hundred thousand dollars, revenues which are attributable solely to the increase in the authorized tuition rates approved by the board of regents in fiscal year nineteen hundred and ninety 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 twenty-seven million five hundred thousand 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 made from these accounts shall be subject to annual audit by the board of regents $27,500,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.
Registry of Motor Vehicles.

8400-0002 The registry of motor vehicles may expend revenues accrued from fees charged for salvage title

certificates and inspections in an amount not to exceed six hundred thousand dollars for the purpose of implementing the salvage title program $600,000

8400-0008 The registry of motor vehicles may expend revenue accrued from 1) fees charged for class 1 and 2 commercial licenses and 2) reimbursements received from federal commercial driver's licenses grants in an amount not to exceed nine hundred seventy-five thousand five hundred dollars for the purpose of implementing the federal commercial drivers licensing program $975,500

SECTION 5. Section 32 of chapter 6A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the words "fair, reasonable and adequate",- and by inserting after the word "industries", in line 5, the words:- which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal law, regulations and quality and safety standards, and which are within the financial capacity of the commonwealth.

SECTION 6. Said section 32 of said chapter 6A, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:- The commission shall not set a rate solely based on the availability of funding if the federal health care finance administration provides written documentation that federal reimbursement would be denied as a result of said rate and said documentation is submitted to the house and senate committees on ways and means.

SECTION 7. Said section 32 of said chapter 6A, as so appearing, is hereby further amended by inserting after the word "institutions", in line 33, the words:- , a projection of rate increases for each class of providers of Title XIX services for the following fiscal year accompanied with a detailed analysis of the factors influencing each increase and an explanation for any rate increase in excess of the medical component of the consumer price index.

SECTION 8. Said section 32 of said chapter 6A, as so appearing, is hereby amended by inserting after the tenth paragraph the following two paragraphs:-

In establishing rates for nursing pools pursuant to section seventy-two Y of chapter one hundred and eleven, the commission shall take into consideration wages and benefits paid by the pool to the medical personnel supplied to a health care facility and that portion of the rate attributable to wages and benefits shall not exceed the prevailing wages and benefits allowed for permanent medical personnel of the same type at such health care facilities. Such rate shall also take into consideration the reasonable administrative expenses and an allowance which shall provide a reasonable return on equity. The commission shall establish procedures whereby nursing pools shall submit accountable cost reports, which may be subject to audit, to the commission for the purpose of establishing such rates. The commission shall establish interim rates for nursing pools until such time as said reports are complete.

The commission shall set rates for said rest homes, nursing homes, and convalescent homes, beginning with interim rates for the rate year beginning October first, nineteen hundred and eighty-nine, by recalculating the base year whenever estimated costs for payments to nursing pools are no longer reflective of or are higher than actual costs to said facilities for said payments.

SECTION 9. The fourteenth paragraph of said section 32 of said chapter 6A, as so appearing, is hereby amended by adding the following two sentences:- In

implementing regulations which pertain to Title XIX reimbursement, and particularly when establishing or changing rates of reimbursement to providers under Title XIX, the commission shall, as provided in its interagency agreement with the department of public welfare dated March second, nineteen hundred and eighty-nine, and as it may be amended from time to time, follow the requirements and objectives of the Title XIX state plan, as administered by the department, and of the federal statutes and regulations promulgated under Title XIX itself. Said department shall supply the commission with its reimbursement policies and objectives and all changes thereto, to facilitate the commission's compliance with the requirements and objectives of said Title XIX state plan.

SECTION 10. Said section 32 of said chapter 6A, as so appearing, is hereby further amended by adding the following paragraph:-

In the event that any aggregate rates certified by the commission exceeds the upper limit of payment in effect for any period under Titles XVIII or XIX of the Social Security Act, or any other requirement of said Titles, where applicable, the commission shall redetermine and recertify any such aggregate rates in order to bring them into compliance with such federal requirement for the entire period during which such upper limit is effective.

SECTION 11. The first paragraph of section 87 of said chapter 6A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- 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 thirty million, five hundred thousand dollars for fiscal year nineteen hundred and eighty-nine; three hundred and twelve million plus eight million dollars to be transferred to the vaccine trust fund for fiscal year nineteen hundred and ninety; and three hundred twelve million dollars plus eight million dollars to be transferred to the vaccine trust fund minus the amount appropriated by the commonwealth for coverage of hospitalization expenses for recipients of benefits under chapter one hundred and seventeen for fiscal year nineteen hundred and ninety-one; provided, however, that for the purposes of subsection seven of section fifteen of chapter one hundred and eighteen F, calculation of the total private sector cap shall not include funds transferred to the vaccine trust fund.

SECTION 12. Section 12 of chapter 7A of the General Laws, as so appearing, is hereby amended by inserting after the word "institutions", in line 12, the words:- and obligations and expenses incurred by the commonwealth for bond counsel and bond underwriting.

SECTION 13. Said section 12 of said chapter 7A, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

Said report shall also contain a statement showing the total medicaid liability, whether paid or unpaid, taking into account the best estimate of the impact of final rate settlements for services rendered during the preceding fiscal year.

SECTION 14. Sections thirty-five A, thirty-five B and thirty-five C of chapter ten of the General Laws are hereby repealed.

SECTION 15. Said chapter 10 is hereby further amended by inserting after section 51 the following seven sections:-

Section 52. There shall be, in the office of the state treasurer, but not subject to its control, a Massachusetts cultural council, hereinafter referred to in this section and in sections fifty-three to fifty-eight, inclusive, as the council, consisting of fifteen members to be appointed by the governor from among qualified private citizens of the commonwealth who have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, interpretive sciences, and local arts. The fifteen members of the council shall serve staggered, three year terms, and every year the governor shall make five new appointments, and five members' terms shall expire. Upon the expiration of the term of any member, the member's successor shall be appointed for a term of three years. Any vacancy shall be filled for the balance of the unexpired term. Elected public officials shall not be eligible for appointment to the council. Said members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. In making such appointments the governor shall give due consideration to recommendations made by representative civic, educational, and professional groups concerned with the arts, humanities, interpretive sciences or local arts and shall maintain a reasonable representation among them. The governor shall also seek to assure membership from varied regions of the state. The governor shall designate a chairman and vice chairman from the members of the council to serve as such at the pleasure of the governor. The council shall, by majority vote, approve for each year a program and a budget, and the chairman shall be the chief executive officer of the council to carry out such programs within the budget.

The council shall have an executive director with experience and a continuing interest in the arts, humanities and interpretive sciences who shall be appointed by and serve at the pleasure of the chairman and the council, and whose compensation shall be fixed by the council, all subject to the consent of a majority of the council. The position of executive director and all other positions established pursuant to this section shall not be subject to the provisions of section nine A of chapter thirty nor the provisions of chapter thirty-one.

Section 53. The council shall stimulate and encourage throughout the commonwealth the practice, study, and appreciation of the arts, humanities, and interpretive sciences in the public interest. The council shall make such reviews or surveys as it deems advisable of the facilities, activities, and needs of public and private institutions, and organizations within the commonwealth concerned with the arts, humanities, and interpretive sciences, and community and local arts organizations within the commonwealth. It shall encourage and make recommendations concerning the development on the local level of institutions and

organizations which further the practice, study and appreciation of the arts, humanities and interpretive sciences in the interests of the citizens of the commonwealth. The council shall annually submit to the budget director the estimates required by sections three and four of chapter twenty-nine, and shall file an annual report as required by sections thirty-two and thirty-three of chapter thirty.

Section 54. The council may hold public and private hearings; may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the council's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the council's programs; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the council's program; may make and sign any agreement and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of sections fifty-two through fifty-eight, inclusive.

The council shall establish and from time to time issue or revise as necessary, guidelines, rules, rulings or regulations for the use of state arts lottery or other funds allocable to it and for its own and local or regional arts lottery council operations and procedures, and to interpret or carry out the purposes of sections fifty-two through fifty-eight inclusive, including but not limited to, the power to delegate certain of the council's decision-making as the council may deem appropriate to a committee of the council's membership specially knowledgeable in the appropriate discipline or subject matter. The council may request from any department, division, board, bureau, commission or agency of the commonwealth such assistance and data as will enable it properly to carry out its powers and duties.

Section 55. This section and sections fifty-three and fifty-four shall constitute the plan of the commonwealth as required by the National Foundation on the Arts and Humanities Act of 1965 (Public Law 89-209). The council shall be the sole agency of the commonwealth for the administration of said Act. The state treasurer shall be custodian of funds received by the commonwealth under section 5 (h) of said Act, and said funds shall be expended solely by the council, without special appropriation, on projects and productions approved by it which carry out one or more of the objectives of section 5 (c) of said Act.

Section 56. The council shall stimulate and encourage the arts and humanities within cities and towns by administering the distribution of the Arts Lottery Fund established under the provisions of section fifty-seven to the several cities and towns as hereinafter provided and by providing guidance, advice, and assistance to local or regional arts lottery councils established under the provisions of section fifty-eight.

The council shall receive applications for said funds from local and regional arts lottery councils and shall determine if applications for funds comply with said guidelines, rules, rulings or regulations. The council, upon the determination of compliance with its guidelines, rules, rulings or regulations, shall certify to the

comptroller the payment to the several cities and towns to the extent that monies would be payable to such cities and towns under the provisions of section eighteen C of chapter fifty-eight; provided, however, that the definition of "persons who reside in the commonwealth" as contained in clause (3) of paragraph (a) of said section eighteen C shall be construed not to include the population of those cities, towns or consortiums of cities and towns which have not established local or regional arts lottery councils for the purpose of distributing funds under the provisions of this section; and further provided, however, that the arts lottery funds for the arts shall not be added to the Local Aid Fund pursuant to the provisions of section two D of chapter twenty-nine but shall be separately distributed as provided in section fifty-eight. Arts lottery funds so certified and allocable to a local or regional arts lottery council shall be deposited with the treasurer of the appropriate city or town and expended as provided in such applications as approved by the council and as provided in section fifty-eight. Funds not so certified shall, at the discretion of the council, be retained for the account of such local or regional arts lottery council, or returned to the State Arts Lottery Fund.

Section 57. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the State Arts Lottery Fund. Said fund shall consist of all revenues received from the sale of arts lottery tickets or shares and all other monies credited or transferred thereto from any other fund or source pursuant to law. As of July first and January first of each year, the comptroller shall determine the net balance in the State Arts Lottery Fund derived from arts lottery revenues for the preceding six months after deductions are made for (1) the amounts paid or incurred for prizes to holders of the winning lottery tickets or shares during such six month period, (2) the expenses of the state lottery commission in administering and operating the lottery for the arts for such six month period, subject to appropriation, as certified by the commissioner of administration, which amount the treasurer shall, as of such July first or January first, transfer to the General Fund, (3) the expenses of administration of the council for such six month period, including expenses of members, subject to appropriation, as certified by the commissioner of administration, and which amount the treasurer shall, as of such July first or January first transfer to the General Fund. Such net balance of any arts lottery revenues for such preceding six month period not already deducted in clauses (1), (2) or (3), if any, shall be allocated and expended as follows: (a) one million five hundred thousand dollars shall be retained in the State Arts Lottery Fund and shall be available for distribution by the council as hereinafter provided in this section and sections fifty-six and fifty-eight; (b) the amount determined by the comptroller as of July first and January first not already allocated in clause (a) shall be transferred to the Local Aid Fund. The amounts remaining including (i) the amount determined under clause (a) above, (ii) any amounts credited or transferred to the State Arts Lottery Fund and not yet distributed derived from sources other than the sale of arts lottery tickets and (iii)

any amount in the State Arts Lottery Fund derived from revenues of the arts lottery conducted earlier than such preceding six period, shall be distributed to the several cities and towns as provided under the provisions of section fifty-six and the guidelines, rules, rulings or regulations issued by the council. The council may determine the time and the amount of the distribution of such funds as the council may deem necessary or desirable to carry out the purposes of sections fifty-six to fifty-eight, inclusive; provided, however, that each eligible city or town shall be eligible to receive an annual minimum of one thousand dollars, of which amount a minimum of five hundred dollars shall be allocated to a program to assist Massachusetts school children as hereinafter provided; and provided further, that five hundred thousand of the amount allocated under clause (a) above shall be utilized by the council for a program to assist Massachusetts school children to attend commercial or non-profit cultural events including, but not limited to theatre, ballet, opera, symphony, and other performing arts. Participating institutions must make a continuing commitment to the council to provide tickets for the students at a maximum cost per ticket to be determined by the council.

Section 58. Any city or town may establish a local arts lottery council and any consortium of cities and towns, with the approval of the council, may establish a regional arts lottery council. Local arts lottery councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional arts lottery councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional arts lottery council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional arts lottery council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional arts lottery councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional arts lottery council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional arts lottery council shall be appointed for a term of two years and any such member shall not be appointed to more than three consecutive terms. Members shall have demonstrated scholarship or creativity in,

or distinguished service to, the arts and humanities.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of two years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional arts lottery council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional arts lottery council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional arts lottery councils shall annually elect a chairman, secretary and treasurer.

Local and regional arts lottery councils may establish administrative units, but no such arts lottery council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional arts lottery councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional arts council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts. Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional arts lottery councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional arts lottery council activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional arts lottery council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional arts lottery council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local and regional arts lottery council, without further appropriation; provided, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight, inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.

SECTION 16. Sections forty, forty-one, forty-two, forty-three, forty-four and forty-five of chapter fifteen of the General Laws are hereby repealed.

SECTION 17. The fifth paragraph of section 1L of chapter 15 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "cents", in line 20, the words:- ; provided, however, such persons participating in said lunch program may voluntarily pay an amount in excess of the aforementioned required price. Such monies paid in excess of the required price shall be utilized by public or independent schools for the administration of said lunch program.

SECTION 18. Section 5 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the word "body", in line 177, the following two clauses:-

; (bb) submit a written application of HEFA requesting that said Authority undertake a project, as defined in section three of said chapter six hundred and fourteen, on behalf of one or more public institutions for higher education, as so defined; provided, however, that the board of regents shall only make such application for a project on behalf of one or more public universities if such project is approved by the board of trustees of the public university or universities; (cc) transfer or pledge that they will periodically transfer to HEFA any funds available for expenditure by the board of regents, in order to provide for the expenses of HEFA and for the payment of indebtedness incurred by HEFA in connection with

any project financed by HEFA on behalf of the board of regents, one or more public institutions of higher education, their affiliated building authorities, or any other organization affiliated therewith, as defined in paragraph (e) of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight; provided, that in the case of any funds expected to be available for expenditure by the board of regents or such other entities pursuant to subsequent appropriation or other spending authorization by the legislature, the board of regents may only pledge that they will so transfer such funds subject to such subsequent appropriation or other spending authorization. Any such pledge shall be valid and binding from the time when the pledge is made; the funds so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the board of regents or any such public institution of higher education, affiliated building authority, or other organization affiliated therewith, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which such a pledge is created need be filed or recorded except in the records of HEFA.

SECTION 19. Said chapter 15A is hereby further amended by inserting after section 5A the following five sections:-

Section 5B. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) "Community college" shall mean any of the following institutions of higher education: Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Middlesex Community College, Massachusetts Bay Community College, Massasoit Community College, Mount Wachusett Community College, Northern Essex Community College, North Shore Community College, Quinsigamond Community College, Roxbury Community College, and Springfield Community College, and any other community college established after November first, nineteen hundred and eighty-nine; or, if any such community college shall be abolished, any institution succeeding to the principal functions thereof.

(b) "Community college affiliate" shall mean any organization affiliated with a community college, as defined in paragraph (e) of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixtyeight.

(c) "HEFA" shall mean the Health and Educational Facilities Authority created by section four of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended, or, if said Health and Educational Facilities Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to which the powers given by said chapter six hundred and

fourteen shall be given into law.

(d) "Project" shall have the meaning given in the case of a participating institution of higher education in paragraph (b) of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight.

Section 5C. The board of regents may, in the name and on behalf of the commonwealth, upon such terms and with or without consideration, do any or all of the following in order to aid and contribute to the performance of the educational and other purposes of any community college:

(a) Sell, convey or lease to HEFA or any community college affiliate real or personal property owned by the commonwealth in a city or town in which a community college is located or grant easements, licenses or any other rights or privileges therein to HEFA to any community college affiliate. Neither HEFA nor any community college affiliate shall be liable to taxation upon any real property, including any building or buildings erected thereon, or personal property sold, conveyed or leased under this section;

(b) Cause private ways, sidewalks, footpaths, ways for vehicular travel, parking areas, water, sewage or drainage facilities and similar improvements and steam service and other utilities and connections for heating and other necessary purposes to be furnished to or in any project carried out by HEFA or any community affiliate;

(c) Make available to HEFA or to any community college affiliate the services of officers and employees of a community college and office space and facilities in a community college for, among other things, billing and collecting rents, fees, rates and other charges for the use and occupancy of property of HEFA or any community college affiliate by one or more community colleges or community college affiliates, students, staff and their dependents; renting and leasing rooms and other accommodations in the buildings and structures of HEFA or a community college affiliate; cleaning, heating, daily operation of and repairs to and maintenance of such buildings and structures and other property of HEFA or any community college affiliate; and keeping all books of account for HEFA or any community college affiliate;

(d) Establish and manage trust funds for self-amortizing projects and self-supporting activities including, but not limited to, the operation of the boarding halls, student health service, research institutes and foundations, dormitories and student and faculty apartment; provided, that all income received from such projects or activities shall be held in trust by the board of regents and expended for the purpose for which the trust fund was established; provided, further, that the board of regents may, for the purposes of this section or section five D, group together several or more projects and activities into one or more funds as is, in its judgment, required to best effectuate the purposes of the projects and activities and the purposes of the community colleges; and provided, further, that any unre-

stricted balances remaining in a trust fund upon its termination shall be used as directed by the board of regents for the general purposes of the community colleges;

(e) Do any and all things authorized by law and necessary or convenient to aid and cooperate with HEFA or any community college affiliate in carrying out the purposes of HEFA or such community college and exercising their powers and in complying with the provisions of any trust agreement into which HEFA may enter in connection with any project financed by HEFA on behalf of any community college or community college affiliate.

In connection with any financing or refinancing provided by HEFA, the provisions of this paragraph shall apply. No lease or other agreement made under this section or section five D made by HEFA, or the commonwealth acting through the board of regents, or any other community college affiliate to HEFA, the commonwealth acting through the board of regents, or any other community college affiliate shallbe subject to any provision of law relating to publication or to advertising for bids, and any such lease or agreement may be entered into and shall become effective without any necessity for any order of court or other action or formality other than the regular and formal action of the authorities concerned. No sale, conveyance, lease, or grant made under this section to HEFA or any community college affiliate by the board of regents or by any community college affiliate shall be subject to the provisions of section forty F, section forty F 1/2, section forty H, or section forty I of chapter seven of the General Laws; provided, that the board of regents may elect for any such sale, conveyance, lease, or grant to be subject to the provisions of said sections; provided, further, that - in connection with (i) any project upon any real property or right thereto obtained by HEFA or any community college affiliate pursuant to the sale, conveyance, lease, or grant hereby exempted from said sections, or (ii) any disposition to a person or entity other than HEFA, the commonwealth acting through the board of regents or otherwise, or a community college affiliate of any real property or right thereto obtained by HEFA or any community college affiliate pursuant to the sale, conveyance, lease, or grant hereby exempted from said sections - HEFA or such community college affiliate, as the case may be, shall be deemed to be a state agency for the purpose of paragraph (v) of section thirty-nine A of chapter seven of the General Laws and shall be deemed to be a public agency for the purpose of subsection (1) of section forty-four A of chapter one hundred and forty-nine of the General Laws.

Section 5D. To provide for the expenses of HEFA and for the payment of indebtedness incurred by it in connection with any project financed by HEFA on behalf of any community college or any community college affiliate, or in connection with any transfer for such purpose by HEFA, or the commonwealth acting through the board of regents under the provisions of section five C, or any

other community college affiliate to HEFA, or the commonwealth acting through the board of regents, or any other community college affiliate of buildings or other property, the board of regents may, in the name and on behalf of the commonwealth, (i) transfer or pledge that they will periodically transfer to HEFA, or to any community college affiliate under terms permitting further transfer or pledge to HEFA, any part or all of any funds held as trust funds for any community college under the provisions of paragraph (d) of section five C, administered on behalf of any community college as gifts, grants, or trusts under the provisions of clause (e) of section ten of chapter fifteen A of the General Laws, made available for expenditure on behalf of any community college pursuant to an appropriation or other spending authorization in the commonwealth's annual operating budget, including supplementary and deficiency budgets, or otherwise available for expenditure by the board of regents, and (ii) may contract with HEFA or any community college affiliate with respect thereto under terms permitting further transfer or pledge by HEFA to a trustee under any trust agreement related to such project and entered into by HEFA pursuant to chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight; provided, that in the case of any funds expected to be available for expenditure by the board of regents pursuant to subsequent appropriation or other spending authorization by the legislature, the board of regents may only pledge that they will so transfer such funds subject to such subsequent appropriation or other spending authorization. The board of regents may impose such terms and conditions as to the application of the funds so transferred as the board of regents deems appropriate for the carrying out of the provisions of said chapter six hundred and fourteen and of chapter fifteen A of the General Laws. Any such pledge shall be valid and binding from the time when the pledge is made; the funds so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the board of regents, any community college, or any other community college affiliate, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which such a pledge is created need be filed or recorded except in the records of HEFA.

Section 5E. HEFA may sell the buildings or other structures upon any land acquired by it pursuant to section five C and which are not included in a project, or may remove the same, and may sell or lease any lands or rights or interest in lands or other property acquired for the purposes of this act whenever the same shall, in the opinion of HEFA, cease to be needed for such purposes. The proceeds of any such sale or lease shall be held and disposed of as revenues from the project for or with respect to which the property sold or leased shall have been acquired; provided, however, that except as permitted by section five C, no property acquired from the commonwealth shall be sold or leased without prior approval

of the governor and council; and provided further that the proceeds of any sale or lease of any such property shall be paid to the treasurer and receiver-general of the commonwealth and shall be credited on the books of the commonwealth to the General Fund.

In the event that the board of regents shall sell, convey or lease to HEFA any dormitory, dining commons or boarding hall faculty or student apartment building or student union building at any community college and owned by the commonwealth or any interest of the commonwealth in or to such a building so located but owned by another, and in the further event that funds for the rental or maintenance of such building or buildings have been provided by appropriation from general funds of the commonwealth for any fiscal year ending after the effective date of such sale, conveyance or lease, such sale, conveyance or lease shall provide that the rentals, fees or other charges levied for the use of such building or rooms or accommodations therein or services provided therein in such fiscal years shall be retained by or paid to the treasurer and receiver-general of the commonwealth, as the case may be.

Section 5F. Upon application by the trustees of any state university, the board of regents may exercise on behalf of such university and its university affiliates all the powers it has with respect to community colleges or community college affiliates under sections five C and five D.

SECTION 20. The second sentence of the third paragraph of subsection (D) of section 2 of chapter 18 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clauses (a), (b), and (c) and inserting in place thereof the following three clauses:-

(a) for the prevention of the loss of housing, the actual liability up to three times the monthly rental or mortgage liability;

(b) for the prevention of utility shutoffs or for the resumption of utility services, up to three months of the actual service liabilities;

(c) for the provision of home heating assistance, up to three months of the actual fuel liabilities.

The department shall promulgate regulations which would authorize the department to make payments for a fourth month of rent, utility or fuel arrearages if the commissioner cerfities in writing that the family would otherwise become homeless, or be without utilities or fuel.

SECTION 21. The first paragraph of section 22 of said chapter 18, as so appearing, is hereby amended by adding the following paragraph:-

The department of public welfare shall implement a program of assessment of the threats to the health and safety of families at risk of homelessness prior to the placement of such families in temporary shelter, provided, however, that said program of assessment shall include a mandatory home or site visit in each case; provided further, that said program of assessment need not be applied to families threatened with homelessness due to fire, disaster, sanitary code violations,

medical conditions, abuse, or eviction of primary tenant due to the sale or conversion of said dwelling, provided that proper written documentation is presented in each case to verify said threat of homelessness. Whenever practical, said program of assessment shall include mediation with the landlord or owner of the dwelling in which said family resides. Said program may be implemented by means of an interagency agreement with the department of social services; provided, however, that no funds may be paid by the department of public welfare to the department of social services for the purpose of implementing said interagency agreement.

SECTION 22. Chapter 21 of the General Laws is hereby amended by striking out section 6F, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 6F. If the director, his assistant or any environmental police officer, deputy environmental police officer, members of the state and metropolitan district police, local police, local town law enforcement officials in shellfish beds over which they have jurisdiction, or harbormasters acting pursuant to authority arising under chapter ninety B, employed to enforce the sections contained in section six G determines that a violation thereof has occurred or is occurring, he may request the offender state his name and address.

Whoever, upon such request, refuses to state his name and address may be arrested without a warrant, or if he states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not more than two hundred dollars. Such officer may, as an alternative to instituting criminal proceedings, forthwith give to the offender a written notice to appear before the clerk of the district court having jurisdiction at any time during office hours, not later than twenty-one days after the date of such violation.

Six copies of such notice shall be made and each shall contain the name and address of the offender and, if served with the notice in hand at the time of such violation, the number of his license, if any, to operate motor vehicles; the registration number of the vehicle or motorboat involved, if any; the number of the license, certificate of permit, if any, issued pursuant to chapter one hundred and thirty or chapter one hundred and thirty-one which is relevant to the violation; the specific offense or offenses charged and the time and place of the violation; and the time and place for his required appearance. Such notice shall be signed by the officer, and shall be signed by the offender in acknowledgement that the notice has been received. The officer shall deliver to the offender at the time and place of the violation a copy of said notice. At or before the completion of each tour of duty the officer shall forward to his commanding officer copies of each notice of such violation that he has issued during such tour. Said commanding officer shall promptly mail one copy of each notice to the director and shall retain and safely preserve one copy. Before the end of his tour of duty such issuing officer shall forward to the respective court before whom the offender has been notified to

appear the court copy of each notice of such violation that he has issued during such tour. The clerk of each district court shall maintain a separate docket of all such notices to appear.

Any person so notified to appear before the clerk of a district court may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing; or may mail to such clerk, with the citation, the fine provided therein, provided that it is the first offense for such violation within two calendar years.

At the time of such appearance said person shall provide the clerk with the notice issued by said officer and shall pay to the clerk the fine as provided in section six G, such payment to be made only by cash, postal note, money order or certified check. Payment of such fine shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and a person notified to appear before the clerk of a district court shall not be required to report to any probation officer, and no record of the case shall be entered in the probation records. If at any time the court finds that the interests of justice so require, it may cause a warrant to be issued as provided in section thirty-two of chapter two hundred and eighteen.

If any person notified to appear before the clerk of the district court fails to so appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure for the non-criminal disposition of the case, the clerk shall notify the officer concerned, who shall forthwith make a criminal complaint. If any person fails to appear in accordance with a summons issued upon such complaint, the clerk shall send to such person by certified mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one days from the sending of such notice, the court shall issue a warrant for his arrest.

The director, his assistants, any environmental police officers, deputy environmental police officers, members of the state police, members of the metropolitan district police, local police and shellfish constables in areas of their respective jurisdiction empowered to enforce the sections in section six G may seize any fish, birds, or mammals unlawfully taken or held which shall be forfeited to the commonwealth and disposed of by the director for the best interests of the commonwealth.

The commissioner of the department of fisheries, wildlife and environmental law enforcement shall adopt rules and regulations consistent with the provisions of this chapter and shall file said regulations in accordance with the provisions of section thirty-seven of chapter thirty.

All fines, penalties and forfeitures in actions under this section or section six G shall be paid to the general fund of the city or town in which the violation occurred, provided that if the complaining officer is receiving compensation from the commonwealth, such fines, penalties and forfeitures shall be paid to the common-

wealth, and provided, further, that if the complaining officer is an environmental police officer or deputy environmental police officer, such fines, penalties and forfeitures shall be retained by the division of law enforcement; and provided further that if the complaining officer is a chief park ranger or park ranger, such fines, penalties, or forfeitures shall be forwarded to the department of environmental management to be deposited as revenue and shall be applicable to the department's retained revenue account. At the end of each fiscal year, the division of law enforcement shall pay the inland fish and game fund an amount equivalent to the sum of all fines, penalties and forfeitures received by the division of law enforcement during such fiscal year for violations of chapter one hundred and thirty-one or the regulation promulgated thereunder.

The director shall issue books of non-criminal citation forms to the enforcement personnel authorized under this section.

SECTION 23. Said chapter 21 is hereby further amended by striking out section 6G, as so appearing, and inserting in place thereof the following section:-

Section 6G. A person notified to appear before the clerk of a district court as provided in section six F for a violation of section four A of chapter twenty-one, the regulations promulgated pursuant to section seventeen A of said chapter twenty-one, or the rules and regulations of the division of fisheries and wildlife regulating activity on land under the management of such division, may so appear within the time specified and pay a fine of fifty dollars.

A person notified to appear before the clerk of a district court as provided in section six F for a violation of sections two, three, four, five, five A, six, seven, subsection (b) of section nine, section twelve, twelve A or thirteen A of chapter ninety B may so appear within the time specified and pay a fine of fifty dollars.

A person notified to appear before the clerk of a district court as provided in section six F for violation of subsections (b), (c) and (e) of section eight of said chapter ninety B may so appear within the time specified and pay a fine of one hundred dollars.

A person notified to appear before the clerk of a district court as provided in said section six F for violation of section seventeen A, thirty-three, thirty-four, thirty-six, thirty-nine, forty, fifty-one, sixty-nine, seventy, seventy-one, seventy-two, eighty, eighty-one, eighty-two, ninety-five, or one hundred of chapter one hundred and thirty may so appear within the time specified and pay a fine of fifty dollars.

A person notified to appear to before the clerk of a district court as provided in said section six F for violation of sections thirty-five, thirty-seven, thirty-eight, thirty-eight A, forty-one, forty-one A, forty-four, sixty-seven, sixty-eight, eighty, ninety-two, one hundred A or one hundred C of said chapter one hundred and thirty may so appear and pay a fine of one hundred dollars.

A person notified to appear before the clerk of a district court as provided in said section six F for a violation of section forty-seven and section seventy-five of chapter one hundred and thirty may so appear within the time specified and pay

a fine of two hundred dollars.

A person notified to appear before the clerk of a district court as provided in said section six for a violation of sections one, five, six, eight, ten, eleven, thirteen, sixteen, nineteen A, twenty-three to twenty-five, inclusive, twenty-six, twenty-six A, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, thirty-six, thirty-eight, forty-four, forty-seven, forty-nine to fifty-four, inclusive, fifty-seven, fifty-nine, sixty-nine, seventy-one, seventy-two, seventy-six, seventy-seven, seventy-nine, eighty, or eighty-two of chapter one hundred and thirty-one may so appear and pay a fine of fifty dollars.

A person notified to appear before the clerk of a district court as provided in said section six F for violations of section fifty-eight, sixty-five, sixty-six, sixty-seven, seventy, seventy-five A, or eighty A of said chapter one hundred and thirty-one may appear and pay a fine of one hundred dollars.

SECTION 24. The definition of "Project" in section 30 of chapter 23A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "funds", in line 95, the words:- and shall also include the issuance of tax-exempt debt instruments for working capital and fuel, supplies, or other items, the cost of which are customarily deemed to result in a current operating charge, for any hospital, health maintenance organization, and nursing home which is considered to be an institution according to the definition of "institution" and for any nursing home for which the agency is otherwise authorized by law to provide financing.

SECTION 25. The first paragraph of section 18 of chapter 25 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Said assessments shall be made at a rate not exceeding one-tenth of one percent of such intrastate operating revenues, as shall be determined and certified annually by the commission as sufficient to reimburse the commonwealth for funds appropriated by the general court for the operation and general administration of the department and for fringe benefits and other indirect costs of employees of the department in the fiscal year in which the assessment is made, exclusive of funds appropriated by the general court for the transportation division.

SECTION 26. The third sentence of said first paragraph of section 18 of said chapter 25, as so appearing, is hereby amended by inserting after the word "department", in line 20, the words:- and for fringe benefits and other indirect costs of employees of the department.

SECTION 27. Section 8H of chapter 26 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof 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 recipients of health care services, including hospital and other services funded through the uncompensated care pool under chapter one hundred and eighteen F, 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 and the department of medical security shall provide information to the extent sufficient to allow all insurers to identify such persons. Such information shall be made available by such insurers and health maintenance organizations and by the departments 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 departments in any procedures, including but not limited to automated file matches, conducted under the direction of the departments for the purpose of identifying those persons who are recipients of medical assistance under chapter one hundred and eighteen E or recipients of health care services, including hospital and other services funded through the uncompensated care pool, under chapter one hundred and eighteen F, 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 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 28. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "State agency" the following definition:-

"State Authority", shall include the following: Bay State Skills Corporation, Boston Metropolitan District, Centers of Excellence Corporation, Community Economic Development Assistance Corporation, Community Development Finance Corporation, Government Land Bank, Massachusetts Bay Transportation Authority, Massachusetts Business Development Corporation, Massachusetts Convention Center Authority, Massachusetts Corporations for Educational Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and Educational Facilities Authority, Massachusetts Horse Racing Authority, Massachusetts Housing Finance Agency, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turn-

pike Authority, Massachusetts Water Resources Authority, Pension Reserves Investment Management Board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, and the Water Pollution Abatement Trust.

SECTION 29. Said section 1 of said chapter 29, as so appearing, is hereby further amended by inserting after the definition of "Direct appropriation" the following definition:-

"Direct debt limit", the sum of the principal amounts of all direct debt issued by the commonwealth for the purposes of financing state projects and purposes with the exception of debt issued on a short-term basis in anticipation of receipts from taxes and other sources.

SECTION 30. Section 5D of said chapter 29, as so appearing, is hereby amended by adding the following paragraph:-

The comptroller shall make charges to recover the commonwealth's costs of fringe benefits provided to or on behalf of any person paid compensation by any state agency, state authority, or public institution of higher education, or by any entity otherwise directly or indirectly receiving state funds, from any source other than a direct expenditure of an appropriation charged to a state fund subject to the provisions of the preceding paragraph. The comptroller may establish such systems of periodic charges or billings as he deems necessary and appropriate to ensure the recovery of said costs. Any bill rendered for the purpose of recovery of said costs shall be payable to the comptroller within thirty days of receipt of said bill, provided that all amounts so paid shall be credited to the General Fund.

SECTION 31. Said chapter 29 is hereby amended by striking out section 12B, as so appearing, and inserting in place thereof the following section:-

Section 12B. Notwithstanding the provisions of any general or special law to the contrary, and in accordance with generally accepted accounting principles, the fiscal year for the payment of classified personal services shall be the fiscal year established by clause ninth of section seven of chapter four.

SECTION 32. Said chapter 29 is hereby further amended by striking out section 29A, as so appearing, and inserting the following section:-

Section 29A. Notwithstanding any provision of any special or general law of the contrary. (a) No department or agency within, the Executive branch of state government and no authority established under state law shall enter a consultant contract which does not meet the following requirements. As used herein the word "consultant" shall mean any person who, as a non-employee of the commonwealth or an authority, renders advice or service regarding matters in the field of his knowledge or training.

(1) No consultant contract shall be entered where the overhead charges plus the profit exceeds the compensation paid the consultant for his employees salaries.

(2) No consultant contract shall be entered which authorizes expenses for a

consultant to travel into or out of Massachusetts unless the travel is undertaken for a public purpose required by the consultant's contract and unless the travel is to a place other than an office maintained by the consultant.

(3) No consultant contract shall be entered which authorizes any expense reimbursement greater than thirty percent above similar expenses received by the employees of the department or agency within the executive branch or the employees of the authority.

(4) No consultant contract shall be amended to require expenditures in excess of twenty percent of the original contract or fifty thousand dollars whichever is less.

(5) No consultant contract shall be entered for a period longer than two years or amended to extend the contract for more than one year.

(6) Except for a consultant contract entered with an individual, no contract shall be entered for an amount in excess of twenty-five thousand dollars without seeking competitive bids.

(7) No consultant contract shall be entered with an individual for an amount in excess of one hundred thousand dollars per year.

(8) Consultant contracts, whether written with organizations or individuals, shall not be used as substitutes for employee positions. No department or agency within the Executive branch of state government shall enter a consultant contract whether with an organization or individual unless at least eighty percent of the services to be delivered are of a type not covered by the classification plan of the commonwealth. Whenever any department or agency has used a consultant to perform a type of services not covered by the classification plan for ten months per year in each of the previous three years or anticipates using a type of service not covered by the classification plan ten months per year for a period of three years, it shall forthwith request the Personnel Administrator to develop a classified position and shall not enter a consultant contract for those type services for a period greater than one year until a classified position is developed.

(9) Consultant contracts, whether written with organizations or individuals, shall not be used as substitutes for employee positions. No authority shall enter a consultant contract with an organization or individual unless at least eighty percent of the services are of a type not covered by its own classification plan or the classification plan of the commonwealth. Whenever an authority has used a consultant to perform a type of services not covered by its own classification plan or the classification plan of the commonwealth for at least ten months per year in each of the previous three years or anticipates using a type of service not covered by its own classification plan or the classification plan of the commonwealth for at least ten months per year for a period of three years it shall forthwith develop a classified position and shall not enter a consultant contract for those type services for a period greater than six months.

(10) No person employed as a consultant so-called by a department or agency within the executive branch of state government or by an authority shall directly

or indirectly supervise a temporary or permanent employee of the commonwealth or of the authority.

(b) Expenditures by any agency within the executive branch of state government or any authority established under state law shall be restricted as follows:

(1) Except as provided in paragraph (2) and paragraph (4), no department or agency within the executive branch of state government shall expend monies on consultant contracts in any fiscal year in excess of the amounts provided herein. Each department or agency in state government shall limit its consultant expenditures in any fiscal year to a percentage based on the total salaries paid department or agency employees in the previous fiscal year in accordance with the following formula:

Total Salaries Paid Employees of the State Agency in the Previous Fiscal Year.	Agency Expenditures on Consultants in the Present Fiscal Year as a Percentage of Employee Salaries in the Prior Fiscal Year.
Under 2 million	7.5% not less than $100,000.
2 million to 4 million	5.0% not less than $150,000.
4 million to 8 million	4.0% not less than $200,000.
8 million to 16 million	3.0% not less than $320,000.
over 16 million	2.0% not less than $480,000.

(2) Any department or agency within the executive branch of state government which has need for consultant services in excess of the amounts provided in paragraph (1) may request permission from the secretary of administration and finance to make additional expenditures on consultant services. The secretary may authorize the department or agency to make additional expenditures as he sees fit provided that the total consultant expenditures authorized by the secretary for all departments or agencies within the executive branch in the current fiscal year shall not exceed one percent of the total salaries paid all employees in all departments and agencies in the previous fiscal year.

(3) Except as provided in paragraph (5), no authority shall expend monies on consultant contracts in any fiscal year in excess of the amounts provided herein. Each authority shall limit its consultant expenditures in any fiscal year to a percentage based on the total salaries paid authority employees in the previous fiscal year in accordance with the following formula:

Total Salaries Paid Employees of the Authority in the Previous Fiscal Year.	Authority Expenditures on Consultants in the Present Fiscal Year as a Percentage of Employee Salaries in the Prior Fiscal Year.
Under 2 million	10% not less than $150,000.

2 million to 4 million	7.5% not less than $200,000.
4 million to 8 million	6.0% not less than $300,000.
8 million to 16 million	4.0% not less than $480,000.
over 16 million	3.0% not less than $640,000.

(4) If a department or agency within the Executive branch of state government is presently spending monies on consultant contracts in excess of the amounts authorized in any fiscal year by Paragraph (b)(1) it shall limit new expenditures, including amendments to existing consultants contracts, to an amount not to exceed fifty percent of the amounts authorized in Paragraph (b)(1), until it meets the limits on consultant expenditures required by Paragraph (b)(1). However, said department or agency shall be allowed to seek permission to expend monies under the provisions of Paragraph (b)(2).

(5) If an Authority is presently spending monies on consultant contracts in excess of the amounts authorized in any fiscal year by Paragraph (b)(3) it shall limit new expenditures, including amendments to existing consultant contracts, to an amount not to exceed seventy-five percent of the amounts authorized in Paragraph (b)(3), until it meets the limits on consultant expenditures required by Paragraph (b)(3).

(c) Reports concerning the use of consultants shall be presented as follows:

(1) Every department and agency within the executive branch of state government and every Authority shall, each fiscal year, submit quarterly reports within thirty days of the end of the quarter to the house and senate committees of ways and means; house and senate post audit committees; and the inspector general. The report shall identify all existing consultant contracts within the department, agency or Authority regardless of the funding source. The report shall identify for each contract: the contracts duration; the name of the contractor; the services performed by the contractor; the contracts maximum dollar obligation; the expenditures made from the beginning of the contract to the end of the previous quarter; the expenditures made from the beginning of the fiscal year to the end of the previous quarter; the expenditures made during the previous quarter and amendments made from the beginning of the contract to the end of the previous quarter. The report shall include a statement signed by the appointing authority of the department, agency or authority, under the penalties of perjury, that no consultant contract has been entered or amended which is in violation of the provisions of this or any other state law.

(2) The secretary of administration and finance shall, each fiscal year, submit quarterly reports, within thirty days of the end of the quarter, to the house and senate committees of ways and means; house and senate post audit committees; and the inspector general. The report shall identify all existing consultant contracts by department or agency for which additional expenditures were authorized during the present fiscal year regardless of the funding source. The report shall identify for each contract: the contracts duration; the name of the contractor; the

additional expenditure authorized; the total expenditures made from the beginning of the fiscal year to the end of the previous quarter and the expenditures made during the previous quarter. The report shall include a statement signed by the secretary of administration and finance, under the penalties of perjury, that no expenditure has been made which is in violation of the provisions of this or any other state law.

SECTION 33. Said chapter 29, as so appearing, is hereby amended by inserting after section 29C the following two sections:-

Section 29D. Notwithstanding any provision of law to the contrary, the officer having charge of any state agency is hereby authorized to retain the services of one or more private persons, companies, associations or corporations for the purpose of collection of debts owed to the commonwealth, other than those covered by section three A of chapter fourteen, pursuant to agreements between the comptroller and said private persons, companies, associations or corporations. No state agency shall assign the account of any debtor to a private collection agency until such debtor has been sent a notice, at least thirty days prior thereto, of the intention of the agency to so assign the collection of such unpaid account of such debtor.

The comptroller shall from time to time enter into agreements with one or more private persons, companies, associations or corporations for the provision of debt collection services on behalf of state agencies. 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 comptroller may reject any or all of such proposals. Any such agreement shall provide, in the discretion of the comptroller, the manner in which the compensation for such services will be paid. Under standards established by the comptroller, such compensation may be added to the amount of the debt and collected as part thereof by the contractor; deducted and retained by the contractor from the amount of debt collected; or paid by the commonwealth from the amount of debt collected without further appropriation therefor.

The comptroller shall, as part of his annual report under section twelve of chapter seven A, list all private persons, companies, associations or corporations with whom the comptroller has agreements for collection services during the fiscal year and the amount of debts collected by and the compensation paid to each such person, company, association or corporation.

Section 29E. The comptroller is hereby authorized to enter into contracts for the purpose of projects to identify and pursue maximum federal reimbursement opportunities for certain federally assisted programs of the commonwealth and to enter into interagency service agreements with state agencies, as applicable, for the purpose of ensuring maximum federal reimbursement for the costs of said projects;

provided, however, that payments on account of said project costs shall be made from, and only upon receipt of, federal reimbursement for such costs; provided, further, that the state comptroller shall establish accounts and procedures within the affected departments as he deems appropriate and necessary to accomplish the purposes of this section. The comptroller shall report on said projects as a part of his annual report under section twelve of chapter seven A.

SECTION 34. Section 60A of said chapter 29, as so appearing, is hereby amended by adding the following paragraph:-

There is hereby established a direct debt limit for the commonwealth which shall apply to any direct bonds issued whose issuance would cause the sum of the principal amounts of all direct bonds issued by the commonwealth to exceed the limit set herein. For the fiscal year starting July first, nineteen hundred and ninety, such limit shall be six billion eight hundred million dollars. For each subsequent fiscal year, the limit shall be the limit established for the previous fiscal year plus five percent. The preceding paragraph shall not apply to direct bonds in excess of the direct debt limit. The treasurer is authorized to issue regulations enforcing the provisions of this paragraph, which regulations shall take effect upon their approval by the house and senate committees on ways and means; provided, however, that under no circumstances shall the provisions of this paragraph be interpreted to impair any bond covenants or other guarantees to bond holders relative to any such bonds or notes issued prior to July first, nineteen hundred and ninety.

SECTION 35. Said chapter 29 is hereby further amended by inserting after section 60A the following section:-

Section 60B. Notwithstanding any general or special law to the contrary, the total appropriations authorized for any fiscal year beginning after June thirtieth, nineteen hundred and ninety shall provide that not more than ten percent of all such appropriations shall be expended for payment of interest and principal on general obligation debt of the commonwealth.

SECTION 36. The third paragraph of section 14 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting the following sentence:- For all such persons, the commonwealth shall contribute the same percent share of the total monthly premium or rate for coverage under this section as the percent share it contributes of the health insurance programs provided under sections four, five, six, ten B, ten C, and twelve; and such eligible persons having elected coverage under this section by making application as provided in section seven, shall pay the remainder premium or rate.

SECTION 37. The third paragraph of section 16 of chapter 32B of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Eligible persons, having elected coverage under this section by making application as provided in section six, shall pay a minimum of ten percent of the total monthly premium cost or rate for

coverage under this section, and the governmental unit shall pay the remainder of the total monthly premium cost or rate; provided, however, that nothing in this chapter shall preclude the parties to a collective bargaining agreement under chapter one hundred and fifty E from agreeing that such eligible persons shall pay a percent share of such total monthly premium cost or rate which is higher than said ten percent; provided, further, that such eligible persons shall in no event be required to pay more than fifty percent of such total monthly premium cost or rate.

SECTION 38. Section 32 of chapter 36 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

If an individual is receiving medical assistance under chapter one hundred and eighteen E and is either a grantee or grantor of an interest in real property, such individual shall comply with the provision of section thirteen A of said chapter one hundred and eighteen E requiring notice to the department of public welfare of certain transfers of property.

SECTION 39. Paragraph (b) of section 1A of chapter 40I of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "eighteen" and inserting in place thereof the word:- nineteen,- and by inserting after the word "education", in line 15, the words:- , the commissioner of the department of employment and training.

SECTION 40. The first paragraph of subsection (a) of section 2A of chapter 59 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding the foregoing, in any city or town which accepts the provisions of this sentence, buildings and other things erected on or affixed to land during the period beginning on January second and ending on June thirtieth of the fiscal year preceding that to which the tax relates shall be deemed part of such real property as of January first.

SECTION 41. Said chapter 59 is hereby further amended by inserting after section 57B the following section:-

Section 57C. The provisions of this section shall be applicable in any city or town which accepts the provisions of this section, notwithstanding the provisions of section fifty-seven. Except as otherwise provided, a notice of preliminary tax for real estate and personal property shall be sent out no later than July first of each year, and shall be due and payable in two installments, the first installment due on August first, the second installment on November first, after which dates if unpaid, they shall become delinquent and subject to interest as provided herein. Each installment shall in no event exceed twenty-five percent of the tax payable during the preceding fiscal year.

All provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of preliminary tax provided hereunder, including the payment of interest. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill

issued upon the establishment of the tax rate for the current fiscal year shall govern such rights and remedies. The provisions of section twenty-one C shall apply to the tax rate established by the city or town for the current fiscal year.

Notwithstanding the provisions of the first paragraph, a city or town which seeks to issue a notice of preliminary tax for any fiscal year may, with the prior written approval of the commissioner, require the payment of the preliminary tax installment in excess of twenty-five percent of the tax payable during the preceding fiscal year, to the extent that such excess represents twenty-five percent of the amount of tax accruing as a result of the loss of exemption from tax that had been granted in the preceding fiscal year or to the extent that such excess represents twenty-five percent of the amount of the tax accruing as a result of improvements to the parcel. A city or town is further authorized under this paragraph to issue a notice of preliminary tax for any property which becomes subject to taxation for the first time in a current fiscal year.

The assessors may, on application or on their own motion, abate so much of the preliminary tax as remains unpaid that is in excess of the property owner's proportional share.

The actual tax bill issued upon the establishment of the tax rate for the fiscal year, after credit is given for the preliminary tax payments previously made, shall be due and payable in two installments, on February first and on May first respectively, after which dates if unpaid, they shall become delinquent.

In the event that actual tax bills are not mailed by December thirty-first, then upon the establishment of the tax rate there shall be a single actual bill due and payable on May first, or thirty days after the date of mailing, whichever is later. Such bill shall represent the full balance owed after credit is given for the preliminary tax payments previously made.

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 May first or thirty days after the date on which the said bills are mailed, whichever is later.

If any such installment, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to such tax, as reduced by any abatement is not timely paid, it shall be delinquent, and interest at the rate of fourteen percent per annum computed from the due date shall be paid. For purposes of this section, amounts not timely received shall be deemed unpaid. The commissioner of revenue may issue guidelines as appropriate for the implementation of this section.

SECTION 42. Section 1 of chapter 60A of the General Laws, as most recently amended by section 44 of chapter 341 of the acts of 1989, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Except as hereinafter provided, there shall be assessed and levied in each calendar year on every motor vehicle and trailer registered under chapter

ninety, for the privilege of such registration, an excise measured by the value thereof, as hereinafter defined and determined, at the rate of twenty-five dollars per thousand of valuation.

SECTION 43. The fourth paragraph of said section 1 of said chapter 60A, as so appearing, is hereby further amended by striking out, in line 37, the words "farmer or repairman" and inserting in place thereof the words:- or farmer,- and by striking out, in lines 45, 59 and in line 61, the word ", repairman".

SECTION 44. Said fourth paragraph of said section 1 of said chapter 60A, as appearing in the 1988 Official Edition, is hereby further amended by striking out, in line 54, the words "which excise" and inserting in place thereof the words:- and a penalty of one hundred dollars, which excise and penalty.

SECTION 45. Said section 1 of said chapter 60A, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 46. Said chapter 60A is hereby further amended by striking out section 2A, as so appearing, and inserting in place thereof the following section:-

Section 2A. If an excise assessed under this chapter remains unpaid for fourteen days after a demand therefor made more than one day after such excise becomes due and payable, and if the local tax collector or commissioner of revenue elects to utilize the services of a deputy collector, then said deputy collector or the local tax collector or commissioner of revenue, as the case may be, shall send a notice of warrant to the delinquent taxpayer. In the event that the delinquent taxpayer does not respond within thirty days to said notice of warrant then a service warrant shall be made. If the tax remains unpaid after the service of warrant then the deputy collector may, at the discretion of the local collector, return the uncollected warrants of those delinquent taxpayers to the local tax collector or commissioner of revenue. The local tax collector, the commissioner of revenue, or their designee as the case may be, may at any time and from time to time, transmit to the registrar of motor vehicles, hereinafter in this section called the registrar, in such form as approved by the registrar of motor vehicles, notice of such nonpayment, specifying the name and address of the person to whom the excise is assessed, the amount of the excise due and all interest thereon and costs relative thereto and such information as to the motor vehicle or trailer assessed as was transmitted by the registrar to the commissioner of revenue under section two; provided, however, that no notice shall be transmitted to the registrar under this section at a time when there is pending before the local board of assessors or the appellate tax board, as the case may be, a duly filed application for the abatement of such excise in whole or in part nor within thirty days after action upon any such application by the local board of assessors or the appellate tax board, as the case may be.

Upon receipt of such notification of nonpayment the registrar shall place the matter on record and not renew the license to operate a motor vehicle of the registered owner of said vehicle or the registration of said vehicle until after notice from the local tax collector or the commissioner of revenue that the matter has been

disposed of in accordance with law.

Upon such notification of nonpayment to the registrar, an additional ten dollar charge payable to the registrar of motor vehicles shall be assessed against the registered owner of said vehicle. It shall be the duty of the local tax collector or commissioner of revenue to notify the registrar forthwith that such matters have been disposed of in accordance with law; provided however, that a certified receipt of full and final payment from either the local tax collector or commissioner of revenue shall also serve as a legal notice to the registrar that the matter has been so disposed of.

Except as heretofore provided, the registrar shall approve such forms as he deems necessary to implement this section and said forms shall be printed and used by the cities and towns.

On or before September first of each year, the registrar of motor vehicles shall certify for each city and town in the commonwealth the total number of charges to be assessed pursuant to this section based upon the number of notices received by the registrar that have been disposed of in accordance with law. The registrar shall include such assessments in the warrants prepared in accordance with section twenty of chapter fifty-nine.

SECTION 47. Section 25 of chapter 64H of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

Proof of payment of any such tax due on motor vehicles or trailers owned by farmers, or owner-contractors to whom have been issued a general distinguishing number or mark under section five of chapter ninety shall be conspicuously displayed on each such motor vehicle or trailer. Proof of payment shall be of such design and size as determined by the commissioner.

SECTION 48. Section 26 of chapter 64I of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

Proof of payment of any such tax due on motor vehicles or trailers owned by farmers, or owner-contractors to whom have been issued a general distinguishing number or mark under section five of chapter ninety shall be conspicuously displayed on each such motor vehicle or trailer. Proof of payment shall be of such design and size as determined by the commissioner.

SECTION 49. Section 17A of chapter 66 of the General Laws, as so appearing, is hereby amended by inserting after the word "assistance", in line 11, the words:- or with the administration of chapter one hundred and eighteen F,- and by inserting after the word "assistance", in line 16, the words:- ; and provided, further, that data from said records may be made available to representatives of the department of education and local school committees solely for the purpose of targeting school attendance areas with the largest concentrations of low income children pursuant to 20 USC 2701 *et seq.* and that such access shall be supervised by the department of welfare and the department of education in accordance with an interagency

agreement between said departments that safeguards confidentiality.

SECTION 50. Section 2 of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The department shall promulgate, in cooperation with the departments of mental health, mental retardation, public health and social services, regulations regarding programs for children with special needs, including but not limited to a definition of special needs; provided, however, that such definition shall emphasize a thorough narrative description of each child's developmental potential so as to minimize the possibility of stigmatization and to assure the maximum possible development in the least restrictive environment of a child with special needs; and provided, further, that such definition shall be sufficiently flexible to include children with multiple special needs.

SECTION 51. The sixteenth paragraph of section 3 of said chapter 71B, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- If the evaluation of the special education program shows that said program does not benefit the child to the maximum extent feasible in the least restrictive environment, then such child shall be reassigned.

SECTION 52. The first paragraph of section 5 of said chapter 71B, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding the provisions of section twenty-seven C of chapter twenty-nine or any other general or special law to the contrary, if a child with special needs for whom a school committee provides or arranges for the provision of special education in a residential placement pursuant to the provisions of section three, or his parent or guardian, moves to a different school district after September first of any fiscal year, said school committee of the former community of residence shall pay the approved budgeted costs of such residential placement of such child for the balance of such fiscal year. The school committee of the new community of residence shall assume all responsibilities for reviewing the child's progress, monitoring the effectiveness of the placement, and re-evaluating the child's needs from the date of new residence; provided, however, that during the period when the financial obligation of the former community of residence for such residential placement continues pursuant to this section, the school committee of such new community of residence shall provide the school committee of the former community of residence with notice of any such review, monitoring and re-evaluation, and an opportunity to participate; and provided, further, that the school committee of such new community of residence shall be financially responsible for any increase in the costs of such residential placement during such period which results from any such review, monitoring or re-evaluation.

SECTION 53. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Owner-repairman" and inserting in place thereof the following definition:-

"Owner-contractor", any person who is not a manufacturer, dealer, or repairman, and who owns a fleet of ten or more motor vehicles and special mobile

equipment which is used by him exclusively in his principal business and who maintains an establishment with facilities for the repair, alteration or equipment of such motor vehicles.

SECTION 54. Said section 1 of said chapter 90, as so appearing, is hereby further amended by striking out the definition of "Repairman" and inserting in place thereof the following definition:-

"Repairman", any person who is principally engaged in the business of repairing or towing motor vehicles or trailers for the public and who maintains an established place of business as defined in this section with facilities for the repairing of such motor vehicles or trailers.

SECTION 55. Said section 1 of said chapter 90, as so appearing, is hereby further amended by adding the following four definitions:-

"Repossessor", any person engaged in the business of financing the purchase of or insuring motor vehicles and which requires such person to take into possession such motor vehicles by foreclosure or subrogation of title.

"Tow truck-operator", any person who owns and operates vehicles designed for the purpose of towing or assisting or retrieving a disabled motor vehicle or trailer and is registered under the provisions of section two.

"Special mobile equipment", any four wheeled construction type self propelled motor vehicle, equipped with pneumatic tires with gross weight of over twenty-five thousand pounds which is engaged in private or public construction work or project.

"Established place of business", a permanent enclosed premises owned or leased by a repairman for his exclusive use, with facilities for repairing motor vehicles or trailers, having an office which is located at the established place of business, containing a solid wall separating the established place of business from any other business in the building, having an entrance used exclusively to gain entrance to the established place of business, and having equipment and tools necessary to conduct such repair business for the public. The established place of business shall display an exterior sign permanently affixed to land or building and display a license in the office of the repairman that has been issued in accordance with section fifty-eight of chapter one hundred and forty.

SECTION 56. Section 2 of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:-

The registrar may issue to a tow truck operator a wrecker plate of such design as may be determined by the registrar for each motor vehicle which is owned or leased by a tow truck operator and is principally used for the purpose of towing, assisting or retrieving a disabled motor vehicle or trailer. Any motor vehicle or trailer which is disabled and is being towed, assisted or retrieved by a motor vehicle which displays a wrecker plate which has been properly assigned and issued by the registrar shall be deemed registered under said wrecker plate under the provisions of this chapter.

SECTION 57. The first sentence of section 5 of said chapter 90, as so appearing,

is hereby amended by striking out, in lines 1 and 2, the words ", repairman, owner-repairman" and inserting in place thereof the words:- owner-contractor,- and by inserting after the word "trailers", in line 3, the second time it appears, the words:- and repairman for the registration of motor vehicles under his control but not owned by him.

SECTION 58. The second sentence of said section 5 of said chapter 90, as so appearing, is hereby amended by striking out, in line 13, the word ", repairman",- by inserting after the word "tires", in line 18, the words:- and motor vehicles and trailers under the control of a repairman but not owned by him,- by inserting after the word "days", in line 21, the words:- ; provided, however, that a repairman shall not let for hire or loan a motor vehicle or trailer registered under a general distinguishing number or mark assigned to him, nor shall said repairman loan a repair plate to any person,- and by striking out, in lines 27 to 35, inclusive, the words ", and all motor vehicles or trailers owned or controlled by such owner-repairman which are in the process of being repaired, altered, equipped or transferred from one location to another and which are not being used during such time in the operation of the principal business or said owner-repairman or, in the case of rubber-tired back-hoes, front-end loaders and road graders, are being used on the traveled parts of public ways for the building, repair, or maintenance thereof, shall be regarded as registered under the general distinguishing number or mark assigned to him" and inserting in place thereof the words:- and all special mobile equipment when operated on a public way shall be registered under a distinguishing number or mark assigned to an owner-contractor.

SECTION 59. Said section 5 of said chapter 90, as so appearing, is hereby further amended by striking out the eighth sentence and inserting in place thereof the following two sentences:- The registrar shall, upon payment of the fees provided in section thirty-three, furnish at his office to every manufacturer, dealer, repairman, owner-contractor, transporter, farmer, repossessor, or dealer in both recreational vehicles and recreational vehicle trailers or dealer in both boats and boat trailers, whose vehicles are registered in accordance with this section, such number of plates as the registrar determines to be appropriate based on the registrar's assessment of the size of the business of the applicant. The registrar shall allocate the number of plates to be issued under this section and promulgate regulations establishing criteria for the issuance and use of such number plates.

SECTION 60. Said section 5 of said chapter 90, as so appearing, is hereby further amended by adding the following two paragraphs:-

If the registrar, after a hearing, is satisfied that a certificate of registration under an assigned general distinguishing number or mark authorized by this section has been improperly issued, or that a motor vehicle or trailer so registered is being used other than solely for the business of the owner or person in control of such motor vehicle or trailer, he may revoke said registration certificate.

Notwithstanding the provisions of this section to the contrary, all tow trucks,

ramp trucks, or emergency road service vehicles or wreckers, so-called, shall be registered under the provisions of section two.

SECTION 61. The ninth paragraph of section 24D of said chapter 90, as so appearing, is hereby amended by inserting after the word "hundred", in line 102, the words:- and fifty.

SECTION 62. Said chapter 90 is hereby further amended by inserting after section 32H the following section:-

Section 32I. Every repairman who, instead of registering each motor vehicle or trailer controlled by him for the purpose of his business, has been issued a general distinguishing number or mark under section five and a certificate of registration containing the name and business address of the repairman, may operate or propel such motor vehicle or trailer over the highways within the test driving zone of the repair facility, solely to road test a motor vehicle being repaired by the repairman, or to transport an unregistered motor vehicle or trailer, and in no manner for his personal use or convenience or the personal use or convenience of his family or any other person; and shall keep or cause to be kept in a book a proper record of every motor vehicle or trailer controlled by said repairman which is operated or propelled over the highway using the general distinguishing number or mark issued to said repairman. Said repairman shall keep adequate records of the services performed with respect to the motor vehicle or trailers which are controlled by him and operated or propelled over the highway and registered under the general distinguishing number or mark assigned to him, which records show in substance the information required to be shown in said book. Said book shall have columns and headings substantially as follows:

Date & Time Out	Date & Time Return	Repair Plate Number Make & Year Of Vehicle	Operator or Chauffeur's Name Driver's License	Purpose of Motor Vehicle Travel Mileage
Date	Date	#	Name	
a.m. p.m.	a.m. p.m.	make year	state	

All entries in said book shall be made legibly in ink or with indelible pencil. Said book shall be kept in some convenient place and the book, the premises

where such book is required to be kept and the motor vehicles or trailers parked therein may be inspected at all times by the registrar, his agents, or by any police officer.

The driver of motor vehicles or trailers operated or propelled over the highways shall have in his possession documentation of the purpose and destination of the motor vehicle or trailer bearing a repair plate.

Any repairman convicted of a violation of the provisions of this section regarding the documentation of the plate use shall be punished by a one week suspension of the repair plates for each offense committed. The registrar shall promulgate rules and regulations to carry out the provisions of this section.

SECTION 63. The sixth paragraph of subdivision (7) of section 33 of said chapter 90, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the registration of motor vehicles or trailers owned by or under the control of a manufacturer, dealer, repairman, owner-contractor, repossessor, or farmer, including one or more number plates as allocated by the registrar pursuant to section five, a fee for the registration and a fee for each number plate furnished by the registrar.

SECTION 64. Said subdivision (7) of said section 33 of said chapter 90, as so appearing, is hereby further amended by inserting after the sixth paragraph the following two paragraphs:-

For the privilege of operating motor vehicles or trailers owned by or under the control of a manufacturer, dealer, repairman, or owner-contractor upon the public way, a fee of fifty dollars for each such number plate furnished by the registrar. Said fifty dollar fee for each such number plate shall be returned to the city or town where the number plates are registered.

For each wrecker plate issued pursuant to section two, a fee of no more than twenty-five dollars per plate.

SECTION 65. Chapter 90B of the General Laws is hereby amended by adding the following section:-

Section 36. (a) For purposes of this section the following terms shall have the following meanings:

"Titled motorboat", any vessel of fourteen feet or greater in length propelled or designed to be propelled by machinery, whether or not such machinery is permanently or temporarily affixed or is the principal source of propulsion, but not a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

"Dealer", a person, firm, corporation or entity engaged in the business of buying, selling, or exchanging titled motorboats at an established or permanent place of business in this commonwealth and that at each such place maintains: (1) a sign conspicuously displayed showing the name of the dealership so that it may be located by the public and (2) sufficient space for an office and display of production.

"Manufacturer", any person, firm, corporation or entity engaged in the business of manufacturing new titled motorboats for the purpose of sale or trade.

"New", used to describe a title motorboat after its manufacture and prior to its sale or transfer to a person not a manufacturer or dealer as evidenced by the issuance of a certificate of title for such titled motorboat.

(b) Ownership of a titled motorboat shall be evidenced by a certificate of title issued by the division or, if new, by a manufacturer's or importer's certificate on a form prescribed by the division. Ownership of any other vessel may but need not be evidenced by a certificate of title, or, if new, by a manufacturer's or importer's certificate.

(c) No person may sell, assign, transfer, or otherwise dispose of an interest in a titled motorboat without (1) delivering to the transferee a certificate of title in the name of the transfer or properly endorsed to show the transfer, or (2) if the transferee is not a manufacturer or dealer and the titled motorboat is new, delivering to the division a manufacturer's or importer's certificate showing the endorsement of the manufacturer and all intervening owners, or (3) if the transferee is a manufacturer or dealer and the titled motorboat is new, delivering to the transferee a manufacturer's or importer's certificate showing the endorsement of the manufacturer and all intervening owners, or (4) if the titled motorboat is not covered by a certificate of title or manufacturer's or importer's certificate, delivering to the division or to the transferee sufficient evidence of title and other information so that a certificate of title will be issued thereto to the transferee. No person shall acquire an interest in a titled motorboat until a certificate of title to the titled motorboat has been issued in the name of such person, or if such person is a dealer or manufacturer and the titled motorboat is new, until the manufacturer's or importer's certificate is properly endorsed showing the signature of the manufacturer and all intervening owners.

(d) Application for a certificate of title shall be made to the division on forms it prescribes showing, among other items, the name and address of the owner, a description of the titled motorboat (including, as appropriate, its manufacturer's or builder's number, hull identification number (HIN), motor number, outdrive number, horsepower), name and address of purchaser and date of purchase, name and address of any holder of a security interest and such other information as the division may prescribe. The application shall be accompanied by the prescribed fee and by such evidence as the division shall reasonably require to establish that the applicant or other person is entitled to a certificate of title or a noted security interest. Such evidence may include a certificate of title issued by another state or jurisdiction, manufacturer's or importer's certificate, bill of sale, assignment, contract, promissory note, security agreement, invoice, bill of lading, affidavit, probate or heirship proceedings or information, judgement of a court of competent jurisdiction, or their documents. Every manufacturer or dealer selling or exchanging a titled motorboat to a person not a manufacturer or dealer shall make

application for a certificate of title in the name of the purchaser or transferee. In all other cases the purchaser shall make the application for a certificate of title. The application shall be made within twenty days after the date of sale of the titled motorboat. If a dealer acquires a titled motorboat for which a then currently valid certificate of title is issued, the dealer need not secure a certificate of title in his name but may apply for a certificate of title in the name of the person, other than another dealer, to whom he subsequently sells or otherwise transfers the titled motorboat, submitting the certificate of title with an appropriate assignment endorsement.

(e) The certificate of title issued by the division shall contain the name and address of the owner of the titled motorboat, the name of each holder of any security interest therein, a description of the titled motorboat, and shall be in a form prescribed by the division. If there is no security interest held in the titled motorboat, the original certificate of title, marked, "Original", shall be delivered to the owner and a copy retained by the division. If there is a security interest held, the original certificate marked "Original", shall be sent to the first lien holder and the duplicate original, marked "Duplicate Original", shall be delivered to the owner and a copy retained by the division. Title may be transferred only by surrender of the "Original" certificate of title properly endorsed to show the transfer.

(f) The manufacturer's or importer's certificate shall include the information required by subsection (d) for certificates of title, shall certify to the manufacturer or other origin of the titled motorboat, shall be signed by the manufacturer or the equivalent thereof, and shall show thereon the endorsement of the original and each subsequent transferee thereof including the applicant for the certificate of title. No lien, encumbrance, or security interest or security agreement shall be shown thereon. Any security interest, encumbrance or other lien may be perfected as provided by chapter one hundred and six of the General Laws prior to the issuance of a certificate of title.

(g) The provision of subsections (d), (e) and (f) shall apply to the issuance of certificates of title or manufacturer's or importer's certificates for those vessels for which a certificate of title or a manufacturer's or importer's certificate may but need not be issued under subsection (b).

(h) A certificate of title shall be required as proof of ownership of a titled motorboat on an application for registration as required by this chapter unless a certificate of title has not otherwise been required by the terms of this section. A certificate of title may be cancelled by the division for due cause under law.

(i) (1) If ownership of a title motorboat is transferred by operation of law, such as inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the titled motorboat by operation of law, shall provide to the division such proof of the right to possession as requires, together with an application for a new certificate of title and the required fee. (2) If a lien holder repossesses a titled motorboat by operation of law and holds it for resale, such person shall secure a new certificate of title and

shall pay the required fee.

(j) The fees for the issuance of certificates of title and the notation of a security interest or other lien or encumbrance shall be fifteen dollars; subject to biannual review by the division. Any alterations in the fee recommended by the division are subject to approval by the house and senate committees on ways and means.

(k) No person shall possess or sell a titled motorboat without an original title or a legally transferred title. Persons in violation of this subsection shall be fined one hundred dollars for the first offense. For any subsequent offense, the offender shall be fined an amount not less than two hundred and fifty dollars but not more than five hundred dollars.

(l) No person shall falsify a motorboat title or sell a motor boat with a falsified title. Persons in violation of this section shall be fined five hundred dollars for the first offense. For any subsequent offense, the offender shall be fined an amount not less than one thousand dollars but not more than two thousand dollars.

SECTION 66. Paragraph (a) of section 2 of chapter 90D of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (11).

SECTION 67. Section 113 of chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "one-half" and inserting in place thereof the word:- three-quarters.

SECTION 68. Section 321 of chapter 94 of the General Laws, as amended by section 1 of chapter 166 of the acts of 1989, is hereby further amended by striking out the definition of "Bottler" and inserting in place thereof the following definition:-

"Bottler", any person filling beverage containers for sale to distributors or dealers, including dealers who bottle or sell their own brand of beverage.

SECTION 69. Section 323 of said chapter 94, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

(h) Any bottler or distributor who is subject to the provisions of paragraphs (c), (d) or (e) shall maintain a separate account to be known as the Deposit Transaction Fund. Said fund shall be kept separate from all other revenues and accounts. Each bottler or distributor shall place in said fund the refund value for all non-reusable beverage containers it sells subject to the provisions of this chapter.

Except as specified in section three hundred and twenty-three D, amounts in such fund may only be expended to pay refund values paid after December thirty-first, nineteen hundred and eighty-nine for returned non-reusable beverage containers pursuant to paragraphs (c), (d) and (e). Amounts in such fund shall not be used to pay the handling fees required by paragraphs (c), (d) and (e). Each such fund shall be maintained by said bottlers and distributors on behalf of consumers who have purchased refundable non-reusable beverage containers and on behalf of the commonwealth; except as specified in section three hundred and twenty-three C, for no purpose are amounts in such fund to be regarded as income of said

bottlers or distributors.

SECTION 70. Said chapter 94 is hereby further amended by inserting after section 323A, inserted by section 2 of chapter 166 of the acts of 1989, the following five sections:-

Section 323B. Every bottler or distributor shall report to the commissioner of revenue by the tenth day of each month, concerning transactions affecting its Deposit Transaction Fund in the preceding month. Such report shall be made in a form prescribed by said commissioner and shall include the number of non-reusable beverage containers sold and the number of non-reusable beverage containers returned in said month, the amount of deposits received in and payments made from said fund in said month and the most recent three-month period, any income earned on amounts in the Deposit Transaction Fund during said preceding month, the balance in said Deposit Transaction Fund at the close of said preceding month, and such other information as said commissioner may require in furtherance of his duties pursuant to this chapter.

Section 323C. At the end of each month, any amounts that are or should be in a bottler's or distributor's Deposit Transaction Fund and that are in excess of the sum of (a) income earned on amounts in said account during that month and (b) the total amount of refund values received by said bottler or distributor for non-reusable beverage containers during that month and the two preceding months shall be deemed to constitute abandoned deposit amounts. Income earned on said fund may be transferred from said fund for use as funds of the bottler or distributor.

Section 323D. By the tenth day of each month, each bottler or distributor shall turn over to the commissioner of revenue any deposit amounts deemed to be abandoned at the close of the preceding month, pursuant to section three hundred and twenty-three C. Such amounts may be paid from the Deposit Transaction Fund. Amounts collected by the commissioner of revenue pursuant to this section shall be deposited in the Clean Environment Fund, established pursuant to section three hundred and twenty-three F.

Section 323E. If in any month the authorized payments from the Deposit Transaction Fund by a bottler or distributor pursuant to paragraph (h) of section three hundred and twenty-three exceed the funds that are or should be in its Deposit Transaction Fund, the commonwealth shall reimburse said bottler or distributor, from amounts received pursuant to section three hundred and twenty-three D, for those refunds paid by the bottler or distributor for non-reusable beverage containers for which the funds that are or should be in its Deposit Transaction Fund are insufficient; provided, however, that such reimbursements to a bottler or distributor for a month shall not exceed the excess of (a) amounts paid by said bottler or distributor to the commonwealth pursuant to said section three hundred and twenty-three D in the preceding twenty-four months over (b) amounts paid by the commonwealth to said bottler or distributor pursuant to this section during said twenty-four months.

Section 323F. (a) There shall be established on the books of the commonwealth a separate fund to be known as the Clean Environment Fund. Amounts deposited in said fund shall be used, subject to appropriation, solely for programs and projects in the management of solid waste and for environmental protection; provided, however, that no funds shall be used for costs associated with incineration.

(b) Not less than fifty percent of amounts deposited in the Fund shall be used for recycling, composting and solid waste source reduction projects and programs.

(c) Not less than an additional twenty percent of amounts deposited in the Fund shall be used for recycling and other solid waste projects and programs.

(d) Not more than thirty percent of amounts deposited in the fund shall be used for other environmental programs consistent with the purposes of the "bottle bill", so-called.

(e) Of amounts expended under paragraphs (b) through (d), not more than fifty percent shall be used for debt service on capital outlays authorized prior to January first, nineteen hundred and eighty-eight.

SECTION 71. Section 326 of said chapter 94, as amended by section 3 of chapter 166 of the acts of 1989, is hereby further amended by striking out the first paragraph and inserting in place thereof the following three paragraphs:-

The secretary of environmental affairs shall administer the provisions of sections three hundred and twenty-one, three hundred and twenty-two, paragraphs (a) to (f), inclusive, of section three hundred and twenty-three, three hundred and twenty-three F, three hundred and twenty-four and three hundred and twenty-five. Said secretary shall promulgate and from time to time revise rules and regulations to effectuate the purposes of said sections.

The commissioner of revenue shall administer the provisions of paragraphs (g) and (h) of said section three hundred and twenty-three and sections three hundred and twenty-three B to three hundred and twenty-three E, inclusive. The collection of revenues pursuant to section three hundred and twenty-three D by said commissioner shall, to the extent consistent with this chapter, be governed by the provisions of chapter sixty-two C.

The commissioner of revenue shall promulgate and from time to time revise rules and regulations to effectuate the purposes of said sections. Said rules and regulations shall include a provision to permit bottlers or distributors to borrow, without any interest charge, against their deposit transaction funds subject to such terms and conditions as the commissioner deems appropriate.

SECTION 72. Section 327 of said chapter 94 is hereby amended by adding the following paragraph:-

Any bottler or distributor failing to make full and timely payments as required by section three hundred and twenty-three D shall pay interest on any unpaid amounts at the rate of one and one-half percent for each month or part thereof until payment is made in full.

SECTION 73. Subsection (a) of section 47 of chapter 94C of the General Laws,

as appearing in the 1988 Official Edition, is hereby amended by striking out subparagraph (3) and inserting in place thereof the following subparagraph:-

(3) All conveyances, including aircraft, vehicles or vessels used, or intended for use, to transport, conceal, or otherwise facilitate the manufacture, dispensing, distribution of or possession with intent to manufacture, dispense or distribute, a controlled substance in violation of any provision of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J, or forty.

SECTION 74. Said subsection (a) of said section 47 of said chapter 94C, as so appearing, is hereby further amended by striking out subparagraph (5) and inserting in place thereof the following subparagraph:-

(5) All moneys, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, including real estate and any other thing of value, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of any provision of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J, or forty.

SECTION 75. Said subsection (a) of said section 47 of said chapter 94C is hereby further amended by striking out subparagraphs (6A) and (7) and inserting in place thereof the following three subparagraphs:-

(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements thereto, which is used in any manner or part, to commit or to facilitate the commission of a violation of any provision of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J or forty.

(8) All property which is used, or intended for use, as a container for property described in subparagraph (1) or (2).

(9) No forfeiture under this section shall extinguish a perfected security interest held by a creditor in a conveyance or in any real property at the time of the filing of the forfeiture action.

SECTION 76. Said section 47 of said chapter 94C is hereby further amended by striking out subsection (b), as so appearing, and inserting in place thereof the following subsection:-

(b) Property subject to forfeiture under subparagraphs (1), (2), (4), (5), (6), (7) and (8) of subsection (a) shall, upon motion of the attorney general or district attorney, be declared forfeit by any court having jurisdiction over said property or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter. Property subject to forfeiture under subparagraph (1) of subsection (a) shall be destroyed, regardless of the final disposition of such related criminal proceeding, if any, unless the court for good cause shown orders otherwise.

SECTION 77. Subsection (c) of said section 47 of chapter 94C, as so appearing, is hereby further amended by inserting after the word "subparagraph (3)", in line 42, the words:- and of all real property subject to the provisions of subparagraph (7).

SECTION 78. Said subsection (c) of said section 47 of chapter 94C, as so appearing, is hereby further amended by inserting after the word "conveyance" in lines 55, 56, 58, 62 and 65, in each instance, the words:- or real property.

SECTION 79. Said section 47 of said chapter 94C, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) A district attorney or the attorney general may petition the superior court in the name of the commonwealth in the nature of a proceeding in rem to order forfeiture of a conveyance, real property, moneys or other things of value subject to forfeiture under the provisions of subparagraphs (3), (5), and (7) of subsection (a). Such petition shall be filed in the court having jurisdiction over said conveyance, real property, moneys or other things of value or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter. Such proceeding shall be deemed a civil suit in equity. In all such suits where the property is claimed by any person, other than the commonwealth, the commonwealth shall have the burden of proving to the court the existence of probable cause to institute the action, and any such claimant shall then have the burden of proving that the property is not forfeitable pursuant to subparagraph (3), (5), or (7) of said subsection (a). The owner of said conveyance or real property, or other person claiming thereunder shall have the burden of proof as to all exceptions set forth in subsections (c) and (i). The court shall order the commonwealth to give notice by certified or registered mail to the owner of said conveyance, real property, moneys or other things of value and to such other persons as appear to have an interest therein, and the court shall promptly, but not less than two weeks after notice, hold a hearing on the petition. Upon the motion of the owner of said conveyance, real property, moneys or other things of value, the court may continue the hearing on the petition pending the outcome of any criminal trial related to the violation of this chapter. At such hearing the court shall hear evidence and make findings of fact and conclusions of law, and shall thereupon issue a final order, from which the parties shall have such right of appeal as from a decree in equity. In all such suits where a final order results in a forfeiture, said final order shall provide for disposition of said conveyance, real property, moneys or any other thing of value by the commonwealth or any subdivision thereof in any manner not prohibited by law, including official use by an authorized law enforcement or other public agency, or sale at public auction or by competitive bidding. The proceeds of any such sale shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising, and notice, and the balance thereof shall be distributed as further

provided in this section.

The final order of the court shall provide that said moneys and the proceeds of any such sale shall be distributed equally between the prosecuting district attorney or attorney general and the city, town, state or metropolitan district police department involved in the seizure. If more than one department was substantially involved in the seizure, the court having jurisdiction over the forfeiture proceeding shall distribute the fifty percent equitably among these departments.

There shall be established within the office of the state treasurer separate special law enforcement trust funds for each district attorney and for the attorney general. All such monies and proceeds received by any prosecuting district attorney or attorney general shall be deposited in such a trust fund and shall then be expended without further appropriation to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or such other law enforcement purposes as the district attorney or attorney general deems appropriate. The district attorney or attorney general may expend up to ten percent of the monies and proceeds for drug rehabilitation, drug education and other anti-drug or neighborhood crime watch programs which further law enforcement purposes. Any program seeking to be an eligible recipient of said funds shall file an annual audit report with the local district attorney and attorney general. Such report shall include, but not be limited to, a listing of the assets, liabilities, itemized expenditures, and board of directors of such program. Within ninety days of the close of the fiscal year, each district attorney and the attorney general shall file an annual report with the house and senate committees on ways and means on the use of the monies in the trust fund for the purposes of drug rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs.

All such moneys and proceeds received by any police department shall be deposited in a special law enforcement trust fund and shall be expended without further appropriation to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or to accomplish such other law enforcement purposes as the chief of police of such city or town, the commissioner of public safety or the superintendent of the metropolitan district police deems appropriate, but such funds shall not be considered a source of revenue to meet the operating needs of such department.

SECTION 80. Said section 47 of said chapter 94C, as so appearing, is hereby further amended by adding the following two subsections:-

(i) The owner of any real property which is the principal domicile of the immediate family of the owner and which is subject to forfeiture under this section may file a petition for homestead exemption with the court having jurisdiction over such forfeiture. The court may, in its discretion, allow the petition exempting from forfeiture an amount allowed under section one of chapter one hundred and

eighty-eight. The value of the balance of said principal domicile, if any, shall be forfeited as provided in this section. Such homestead exemption may be acquired on only one principal domicile for the benefit of the immediate family of the owner.

(j) A forfeiture proceeding affecting the title to real property or the use and occupation thereof or the buildings thereon shall not have any effect except against the parties thereto and persons having actual notice thereof, until a memorandum containing the names of the parties to such proceeding, the name of the town where the affected real property lies, and a description of such real property sufficiently accurate for identification is recorded in the registry of deeds for the county or district where the real property lies. At any time after a judgment on the merits, or after the discontinuance, dismissal or other final disposition is recorded by the court having jurisdiction over such matter, the clerk of such court shall issue a certificate of the fact of such judgment, discontinuance, dismissal or other final disposition, and such certificate shall be recorded in the registry in which the orignal memorandum recorded pursuant to this section was filed.

SECTION 81. Section 12G of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word "eighteen E", in line 8, the words:- , one hundred and eighteen F,- and by inserting after the word "twelve", in line 10, the words:- , one hundred and eighteen F.

SECTION 82. The first paragraph of section 1 of chapter 117 of the General Laws, as so appearing, is hereby amended by inserting after the word "size", in line 12, the words:- ; provided, however, that the department shall by regulation provide that an applicant or recipient who lives with one or more family members who receive assistance pursuant to chapter one hundred and eighteen and who is legally obligated to support such family member shall receive assistance, pursuant to this chapter, which, when combined with the assistance being received by the family member of the applicant or recipient pursuant to chapter one hundred and eighteen, does not exceed the assistance available under chapter one hundred and eighteen to an assistance unit of the same household size as the applicant or recipient and such family member.

SECTION 83. Section 4 of chapter 118E of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph thereof the following paragraph:-

The department may enter into any types of contracts with providers of medical services as the department deems necessary to carry out the provisions of this chapter, including, but not limited to, selective contracts, volume purchase contracts, preferred provider contracts and coordinated care contracts; provided, that such contracts are reviewed by the rate setting commission and the executive office of administration and finance. The department may negotiate the rate of reimbursement to the provider under any such contract; provided, any such negotiated rate shall not be subject to the provisions of section thirty-two of chapter six A.

SECTION 84. Said chapter 118E is hereby further amended by inserting after section 4 the following section:-

Section 4A. The department shall review, and approve or disapprove, any change in rates or in rate methodology proposed by the rate setting commission. The department shall review such proposed rate changes for consistency with department policy and federal requirements, and with the available funding authorized in the final budget for each fiscal year prior to certification of such rates by the commission; provided, that the department shall not disapprove a rate increase solely based on the availability of funding if the federal health care finance administration provides written documentation that federal reimbursement would be denied as a result of said disapproval and said documentation is submitted to the house and senate committees on ways and means. The department shall, whenever it disapproves a rate increase, submit the reasons for disapproval to the commission together with such recommendations for changes. Such disapproval and recommendations for changes, if any, shall be submitted to the commission after the department is notified that the commission intends to propose a rate increase for any class of provider under Title XIX but in no event later than the date of the public hearing held by the commission regarding such rate change; provided that no rates shall take effect without the approval of the department. The commission and the department shall provide documentation on the reasons for increases in any class of approved rates that exceed the medical component of the consumer price index to the house and senate committees on ways and means. The commission shall supply the department with all statistical information necessary to carry out the department's review responsibilities under this section. Notwithstanding the foregoing, said department shall not review, approve, or disapprove any such rate set pursuant to chapter twenty-three of the acts of nineteen hundred and eighty-eight.

If projected payments from rates necessary to conform to applicable requirements of Title XIX are estimated by the department to exceed the amount of funding appropriated for such purpose in the budget for such fiscal year, the department and the commission shall jointly prepare and submit to the Governor a proposal for the minimum amount of supplemental funding necessary to satisfy the requirements of the state plan developed by the department under Title XIX of the federal social security act.

SECTION 85. The second paragraph of section 6 of said chapter 118E, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentences:- The amount, duration and scope of the aforesaid care and services shall be determined by the rules and regulations of the department, provided such rules and regulations are consistent with the provisions of this chapter. Such rules and regulations may include appropriate limitations on care and services based on such criteria as medical necessity or utilization control procedures.

SECTION 86. Said chapter 118E is hereby further amended by inserting after section 13 the following section:-

Section 13A. Whenever an individual who is receiving medical assistance under this chapter transfers an interest in real property, or receives such interest, said individual shall notify the department on a form prepared by the department. Such notice shall include, at a minimum, the individual's name, social security number or, if different, medical assistance identification number, the date of transfer and the dollar value, if any, paid or received by the individual receiving benefits under this chapter.

SECTION 87. Section 16 of said chapter 118E, as appearing in the 1988 Official Edition, is hereby amended by adding the following four paragraphs:-

Notwithstanding the foregoing provision, the next-of-kin of an individual who is sixty-five years or older, who is a patient in a long-term care institution, and who is a recipient of medical assistance pursuant to section ten A shall be responsible for an eldercare long-term care charge which shall be paid monthly into the eldercare trust fund created by section sixteen A. Said charge shall be equal to two percent of the medical assistance payment made each month by the department to the long-term care institution on behalf of such recipient.

For the purposes of this section, "next-of-kin" shall mean the spouse of a recipient or, if there is no spouse so responsible, "next-of-kin" shall mean the children of such recipient. Next of kin shall not include anyone who is a recipient of benefits under this chapter, or chapters one hundred and fifteen, one hundred and seventeen, one hundred and eighteen, or one hundred and eighteen A, or any person who is a member of a household with an income that is less than three hundred percent of the federal poverty standard; provided, further, for this purpose income shall be determined after any expenditures required by this chapter. If more than one person is deemed to be the next-of-kin pursuant to this section, then the liability for the eldercare long-term care charge shall be pro-rated among the persons considered to the next-of-kin.

The department shall send an itemized list each month to the next-of-kin of all the charges paid by the department under this program on behalf of such a recipient. The department shall send with this itemized list a bill for two percent of such total charges which shall be the obligation of the next-of-kin to pay to the department.

Nothing in this section shall be construed by the department to limit the eligibility of any otherwise eligible applicant or recipient for benefits under this chapter.

SECTION 88. Said chapter 118E is hereby further amended by inserting after section 16 the following section:-

Section 16A. There is hereby established an eldercare trust fund which shall be administered and expended by the department without further appropriation. Said fund shall consist of all eldercare long-term care charges collected by the

department pursuant to section sixteen. All interest earned on the amounts in said trust fund shall be deposited or retained in said trust fund.

Amounts from the trust fund may only be expended on care for elderly recipients of benefits of this chapter for services otherwise authorized pursuant to this chapter. 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 reasonable future period.

SECTION 89. Section 17A of said chapter 118E, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, chronic hospitals and skilled nursing facilities shall seek certification for Title XVIII of the Social Security Act for those services reimbursed under Title XVIII of the Social Security Act.

SECTION 90. Section 9 of chapter 118F of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

The department may, consistent with business practices in the health insurance industry, pay in advance for any health insurance plan purchased from a health insurance company, hospital service corporation, medical service corporation, or health maintenance organization.

SECTION 91. Section 26 of chapter 121B of the General Laws is amended by adding the following clause:-

(n) to disseminate to and receive from other housing authorities information, including personal data as defined in section one of chapter sixty-six A, which could have a direct bearing on a determination as to whether an individual or household is qualified for selection or placement in accordance with state or federal eligibility or tenant selection regulations; provided, that in instances where the executive office of communities and development or a nonprofit corporation is administering a state or federal housing program, a housing authority may disseminate to and receive such information for the aforementioned purpose from the executive office of communities and development or a nonprofit. Such information may be disseminated for the aforementioned purpose among the executive office of communities and development and any nonprofit corporations administering a state or federal housing program. Any personal data, as defined in section one of said chapter sixty-six A, which is received by a housing authority, the executive office of communities and development, or a nonprofit corporation pursuant to this paragraph, shall be used, maintained and disseminated further in accordance with the provisions of said chapter sixty-six A and this paragraph. Whenever such information is disseminated by a local housing authority, the executive office of communities and development, or a nonprofit corporation, a copy of all such information and the names of the agencies which received it shall

be sent to said individual or household. The executive office of communities and development shall promulgate such rules and regulation as it deems necessary to further the purposes of this paragraph.

SECTION 92. Chapter 130 of the General Laws is hereby amended by inserting after section 4 the following section:-

Section 4A. The director, his assistants, an environmental police officer or deputy environmental police officer or a member of the state police may conduct an administrative inspection in accordance with the provisions of this section of commercial fishing vessels and wholesale and retail fish businesses commercially licensed pursuant to this chapter.

Administrative inspections of a commercial fishing vessel may extend only to the fishing gear, nets, fish on board and the fish holds and only during times in which the commercial fishing vessel is conducting fishing operations, landing fish on board the vessel or off-loading at any pier or wharf.

Administrative inspections of a wholesale or retail fish business may extend only to the fish maintained or processed on the premises, to tanks, refrigerators, freezers, walk-in fish storage closets or other places where fish may reasonably be stored and only during times in which the business is open to the public.

Any fishing gear, nets, or fish found in violation of this chapter or any rule or regulation of the director or the commissioner of the department of public health may be seized and forfeited to the Commonwealth in accordance with chapter two hundred and fifty-seven.

SECTION 93. Section 90 of chapter 131 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 7, the words "twenty nor more than fifty" and inserting in place thereof the words:- fifty nor more than one hundred,- and by striking out, in lines 8 to 14, inclusive, the words "and, in addition, for each fish, bird or mammal, other than a deer, unlawfully killed, taken, held or possessed, or for each nest or egg unlawfully taken, molested, disturbed or destroyed, by a fine of not less than ten nor more than fifty dollars; and, for each deer unlawfully killed, or unlawfully possessed, by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than six months, or both" and inserting in place thereof the words:- and in addition, for each fish, bird or mammal, other than a deer, bear or turkey unlawfully killed, taken, held or possessed, or for each nest or egg unlawfully taken, molested, distributed or destroyed, by a fine of not less than ten nor more than fifty dollars; and, for each deer, bear or turkey unlawfully killed, or unlawfully possessed, by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than six months, or both.

Whoever violates any provision of section seventy-three, shall be punished by a fine of not less than three hundred nor more than one thousand dollars, or by imprisonment for not more than six months, or both,by striking out, in line 22, the word "seventy-three",by striking out, in line 28, the words "ten and fifty" and

inserting in place thereof the words:- fifty and one hundred, respectively,by striking out, in lines 29 and 31, the word "deer" and inserting in place thereof, in each instance, the words:- deer, bear, or moose,- by striking out, in lines 31, and 32, the words "one hundred" and "five hundred" and inserting in place thereof the words:- three hundred and one thousand, respectively,- and by adding the following paragraphs:-

In addition to the penalties provided for in this section for violating any of the provisions of chapter one hundred and thirty-one, or any rule or regulation made under the authority thereof, any person convicted of the illegal taking or illegal possession of animals, birds, fur-bearing animals and fish, resulting in the injury, death or destruction of the same, may be required to make restitution to the commonwealth for the value of each animal, bird, fur-bearing animal or fish so taken or possessed as follows:

(a) Deer and bear: three hundred dollars per animal illegally taken or illegally possessed.

(b) Wild turkey, fisher, bobcat and otter: two hundred dollars per animal illegally taken or illegally possessed.

(c) Fox, coyote and beaver: fifty dollars per animal illegally taken or illegally possessed.

(d) Mink, muskrat, raccoon, wild rabbit, hare and gray squirrel: twenty-five dollars per animal illegally taken or illegally possessed.

(e) Ruffed grouse, pheasant, quail, woodcock and migratory waterfowl: twenty-five dollars per bird illegally taken or illegally possessed.

(f) Fish: five dollars per fish illegally taken or illegally possessed.

(g) Endangered, Threatened and Special Concern Species included on the official Massachusetts List of Endangered Wildlife and Wild Plants (CMR 8.01)

Endangered Species: two thousand dollars

Threatened Species: one thousand dollars

Species of Special Concern: five hundred dollars.

(h) Other animals or birds: ten dollars per animal or bird.

In every case of conviction involving the illegal taking or illegal possession of animals, birds, fur-bearing animals and fish, the court may order the defendant to reimburse the commonwealth in a sum or sums to exceed the amount as established in the previous paragraph. Such reimbursement shall be paid directly to the court. If two or more defendants are convicted of the illegal taking or illegal possession of the animal, bird, fur-bearing animal or fish, the reimbursement above prescribed shall be declared against them jointly and severally. The court ordering such reimbursement shall remit such monies as prescribed in section three of chapter one hundred and thirty-one.

Any person failing to make a damage assessment payment as ordered by the court shall be guilty of contempt and such person shall not be eligible to purchase any license issued by the division of fisheries and wildlife until all assessments are

paid in full.

SECTION 94. Chapter 132A of the General Laws is hereby amended by inserting after section 7 the following section:-

Section 7A. There is established within the department of environmental management, division of forests and parks, the position titles of chief park ranger and park ranger, provisions of the General Laws or any special law to the contrary notwithstanding. Said positions shall not be eligible for the provisions of group four retirement benefits.

The chief park ranger and park rangers appointed and employed by the department of environmental management, when appointed deputy environmental police officers, shall enforce all regulations promulgated pursuant to section four A of chapter twenty-one, and section seven of chapter one hundred and thirty-two A, shall search for lost or missing persons or department property, and shall assist the bureau of fire control in both suppression and detection of fires.

A park ranger who has been appointed as a deputy environmental police officer who observes any violation of regulations promulgated pursuant to said section four A of said chapter twenty-one, and said section seven of said chapter one hundred and thirty-two A, may request the offender to state his name and address. Whoever upon such request refuses to state his name and address may be arrested without a warrant and shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars. Said ranger may, as alternative to instituting criminal proceedings, give to the offender a written notice to appear before the clerk of the district court having jurisdiction at any time during office hours within twenty-one days after the date of such violation. Said notice shall contain the name and address of the offender, offense charged, signature of the officer and option of the offender acknowledging that the notice has been received. The clerk of courts shall maintain a separate docket of all such notices to appear.

If any person notified to appear before the clerk of the district court fails to appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure for the non-criminal disposition of the case, the clerk shall notify the ranger concerned, who shall forthwith make a criminal complaint.

Any person notified to appear before the clerk of the district court for a violation of said section four A of said chapter twenty-one, and of said section seven of said chapter one hundred and thirty-two A, may so appear within the time specified and pay a fine of fifty dollars. Notwithstanding any other provision of law, all fines and penalties recovered for violation of rules and regulations made under authority of this section shall be accounted for by the clerk of the court and forwarded to the department of environmental management to be deposited as revenue and shall be applicable to the department's retained revenue account.

Park ranger may, through independent contractors, remove from any area or way subject to their jurisdiction or control and store in any convenient place any vehicle parked or standing thereon in violation of any law, or rule and regulation;

provided however, that such removal and storage shall be at no expense to and without liability on the part of the commonwealth.

SECTION 95. Section 58 of chapter 140 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following two paragraphs:-

Class 4. "Repairman", any person who is principally engaged in the business of repairing or towing motor vehicles or trailers for the public and who maintains an established place of business, as defined in section one of chapter ninety, with facilities for the repairing of such motor vehicles or trailers.

Class 5. "Repossessor", any person engaged in the business of financing the purchase of or insuring motor vehicles and which requires such person to take into possession such motor vehicles by foreclosure or subrogation of title.

SECTION 96. Chapter 151A of the General Laws is hereby amended by inserting after section 71G the following section:-

Section 71H. (a) At the end of each calendar month, or at the end of any other period as determined by the commissioner, the commissioner shall bill each certified plant closing employer or covered partial closing employer an amount equal to one hundred percent of the amount of reemployment assistance benefits paid under section seventy-one F, provided that eligibility for such benefits is attributable to service in the employ of such employer.

(b) Payment of any bill rendered under paragraph (a) shall be made not later than thirty days after the commissioner mails such bill to the last known address of the employer, unless not later than thirty days after the commissioner mails the bill, the employer files an application for review by the commissioner. The application shall set forth the grounds for such application. The grounds shall be limited to the identities of the individual and the employer and the amount to be charged. The commissioner shall review the application. Thereafter, notice of the commissioner's determination shall be mailed to the employer. This determination shall be final and not subject to any appeal.

(c) All payments received pursuant to this section shall be credited to the General Fund.

(d) Past due payments of amounts owed under this section shall be subject to the same interest and penalties that apply to past due contributions pursuant to section fifteen.

(e) Default in payment of amounts owed under this section by an employer shall not in any manner adversely affect the rights of an employee otherwise eligible for reemployment assistance benefits.

(f) Except where inconsistent with sections seventy-one A to seventy-one H, inclusive, the provisions of this chapter, including the provisions of section forty-seven, which apply to the collection of contributions or payments in lieu of contributions, shall apply to the same extent to the collection of amounts owed under this section; provided, however, that said amounts shall not be credited to

the employer's account or the solvency account established pursuant to section fourteen or fourteen A.

SECTION 97. Subsection (2) of section 65 of chapter 152 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:- The reasonable and necessary costs of representing the Workers' Compensation Trust Fund may be paid out of said trust fund. These costs include, but are not limited to, the taking of depositions, the hiring of private investigators, the filing and service of summons and subpoenas and other associated court costs, the retention of outside legal counsel and the hiring of various medical providers.

SECTION 98. Section 109 of said chapter 156B, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Every corporation shall annually, on or before the fifteenth day of the third month following the close of its fiscal year, prepare and submit to the state secretary a report which shall be signed under the penalties of perjury by an officer of the corporation stating:-.

SECTION 99. Said chapter 156B is hereby further amended by striking out section 112, as so appearing, and inserting in place thereof the following section:-

Section 112. If a corporation fails or refuses to file its annual report within the time prescribed by section one hundred and nine, the state secretary shall subject the filing of the report to the payment of an additional fee, to be set at an initial rate of twenty-five dollars, to be subsequently determined from time to time by the secretary of administration and finance pursuant to the provisions of section three B of chapter seven.

If the corporation fails to file the annual report within six months of the date prescribed by section one hundred and nine, the state secretary may give notice by mail postage prepaid, to such corporation of its default. If it omits to file such report within thirty days after notice of default has been given, it shall pay, in addition to the sum provided above, not less than five dollars nor more than ten dollars for each day for fifteen days after the expiration of said thirty days, and not less than ten dollars nor more than two hundred dollars for each day thereafter during which such default continues, or any other sum, not greater than the maximum penalty or forfeiture, which the court may deem just and equitable.

SECTION 100. Section 19G of chapter 161A of the General Laws, as so appearing, is hereby amended by inserting after the word "occur", in line 14, the words:- before a date which represents the middle of the time period between the date of the expiration of the previous contract and the date of the award or.

SECTION 101. Said chapter 161A is hereby further amended by inserting after section 19I the following section:-

Section 19J. Notwithstanding any general or special law to the contrary, each employee of the authority shall be responsible for payment of ten percent of the

premium for health benefits made available to him through the authority. The treasurer of the authority, on behalf of the authority, shall deduct said portion of an employee's health benefits premium from said employee's compensation. In the event that the authority self-insures the cost of health benefits, said premium of any self-insurance program shall be determined by the treasurer of the authority after consultation with the administrator of any such self-insurance program.

SECTION 102. Said chapter 161A is hereby further amended by adding after section 30, added by section 127 of chapter 240 of the acts of 1989, the following section:-

Section 31. The authority shall have the power to procure electric utility services, including the purchase, generation, transmission, transformation and distribution of the supplies of electricity necessary to operate its mass transportation facilities and equipment, at the lowest reasonable cost consistent with the provision of public transportation services in an efficient, reliable and economic manner. In procuring such electric utility services, the authority may solicit offers and proposals to provide such electric utility services from owners or operators, including the New England Power Pool, of facilities that generate, transmit, transform, or distribute electric power and energy, and shall take into consideration factors relating to the public interest, including but not limited to the following:

a. The lowest prices that may be offered by responsible bidders, including electric companies, municipal lighting plants, and alternate energy producers as defined in chapter one hundred and sixty-four;

b. The demonstrated ability of any prospective supplier of electric utility services to provide reliable and continuous service and stability of price; and

c. Consistency with the environmental and conservation goals of the commonwealth; provided, however, the authority must fulfill all obligations of contracts and agreements lawfully entered into and now in force.

SECTION 103. Section 2 of chapter 167 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the words "in every two calendar years" and inserting in place thereof the words:- a calendar year, make a thorough examination.

SECTION 104. Section 9 of chapter 181 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

If a corporation fails or refuses to file its annual report within the time prescribed by section four, the state secretary shall subject the filing of the report to the payment of an additional fee, to be set at an initial rate of twenty-five dollars, to be subsequently determined from time to time by the secretary of administration and finance pursuant to the provisions of section three B of chapter seven.

SECTION 105. The second paragraph of said section 9 of said chapter 181, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the corporation fails to file the annual

report within six months of the date prescribed by section four, the state secretary may give notice by mail postage prepaid, to such corporation of its default.

SECTION 106. Section 34E of chapter 221 of the General Laws is hereby amended by adding the following paragraph:-

The committee shall hire and directly supervise one full time human rights officer at each facility under the control of the department of mental health. Said human rights officers and other employees of the committee shall have full and unrestricted access to the facility at which they are assigned or employed, to staff of such facility, to persons residing in or served by such facility and to the records of such persons; shall monitor compliance with the rights of persons receiving services at or from the facility; shall investigate or cause the department of mental health to investigate, pursuant to said department's regulation, any alleged violation of such persons' rights; shall monitor and be deemed a party to any such investigations; shall provide information to such persons in respect to their rights; shall monitor and review the methods utilized by the facility to provide such persons with the opportunity to exercise their rights to the fullest extent of their capabilities and interests; shall review and monitor the use of restraint, seclusion and other limitations on movement, including those authorized pursuant to court order; shall refer such persons to advocates and attorneys and necessary to protect their rights; shall cooperate fully with the disabled persons protection commission, established under chapter nineteen C, and the federal protection and advocacy project in the exercise of said agencies' responsibilities; and shall take such other steps as may be necessary to promote and protect the rights of such persons. Human rights officers shall also serve as staff to the human rights committees established hereinafter.

SECTION 107. Section 6B of chapter 280 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The court shall impose an assessment of not less than thirty-five dollars nor more than one hundred 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 C, thirty-two D, and thirty-two G and thirty-five of chapter ninety-four C. The court shall impose an assessment of not less than one hundred and fifty dollars nor more than five hundred 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 E, thirty-two F and thirty-four of chapter ninety-four C. When multiple criminal offenses arising from a single incident are charged, the total assessment shall not exceed five hundred dollars. In the discretion of the court, any assessment imposed pursuant to this section which would cause the person against whom the assessment is made an undue hardship may be reduced or

waived.

SECTION 108. Section 1 of chapter 773 of the acts of 1960, as most recently amended by section 1 of chapter 708 of the acts of 1983, is hereby further amended by adding the following two paragraphs:-

(h) The term "HEFA" shall mean the Health and Educational Facilities Authority created by section four of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended, or, if said Health and Educational Facilities Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to which the powers given by said chapter six hundred and fourteen shall be given by law.

(i) The term "University Affiliate" shall mean the Authority and any other organization affiliated with the university, as defined in paragraph *(e)* of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended.

SECTION 109. Section 4 of said chapter 773, as most recently amended by section 5 of said chapter 708, is hereby further amended by striking out paragraph *(o)* and inserting in place thereof the following paragraph:-

(o) To do all acts and things necessary or convenient to carry out, or, in connection with any financing or refinancing provided by HEFA, to assist and cooperate with the university, other university affiliates, or HEFA in carrying out, the powers expressly granted in this act.

SECTION 110. Section 5 of said chapter 773, as most recently amended by section 6 of chapter 708 of the acts of 1983, is hereby further amended by adding the following paragraph:-

In connection with any financing or refinancing provided by HEFA, the provisions of this paragraph shall apply. For the purpose of this section, section nineteen B, and section nineteen C, the term "Authority" shall also refer to HEFA and to any university affiliate. The word project, as used in this act, shall also have the meaning given in paragraph *(b)* of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended. No sale, conveyance, lease, or grant made by HEFA, or the commonwealth acting through the trustees, or any university affiliate to HEFA, the commonwealth acting through the trustees, or any university affiliate shall be subject to the provisions of section forty F, section forty F 1/2, section forty H, or section forty I of chapter seven of the General Laws; provided, that the trustees may elect for any such sale, conveyance, lease, or grant to be subject to the provisions of said sections; provided, further, that in connection with *(i)* any project upon any real property or right thereto obtained by HEFA or any university affiliate pursuant to a sale, conveyance, lease, or grant hereby exempted from said sections, or *(ii)* any disposition to a person or entity other than HEFA, or the commonwealth acting through the trustees, or a university affiliate of any property or right thereto obtained by HEFA or any university affiliate pursuant to a sale, conveyance, lease, or grant hereby

exempted from said sections - HEFA or such university affiliate, as the case may be, shall be deemed to be a state agency for the purpose of paragraph *(v)* of section thirty-nine A of chapter seven of the General Laws and shall be deemed to be a public agency for the purpose of subsection (1) of section forty-four A of chapter one hundred and forty-nine of the General Laws. Notwithstanding any provision of paragraph *(a)* or section nineteen B to the contrary, any sale, conveyance, lease or grant made under this section or section nineteen B to HEFA, the commonwealth acting through the trustees or any university affiliate shall become effective without any necessity for any approval by the governor or the council.

SECTION 111. Section 19A of said chapter 773, inserted by section 15 of chapter 684 of the acts of 1963, is hereby amended by adding the following paragraph:-

To provide for the expenses of HEFA and for the payment of indebtedness incurred by it in connection with any project financed by HEFA on behalf of the university or any university affiliate, or in connection with any transfer for such purpose by HEFA, or the commonwealth acting through the trustees under the provisions of section five, or any university affiliate to HEFA, or the commonwealth acting through the trustees, or any university affiliate of buildings or other property, the trustees may, in the name and on behalf of the commonwealth, (i) transfer or pledge that they will periodically transfer to HEFA, or any university affiliate under terms permitting further transfer or pledge to HEFA, any part or all of any funds held by the trustees as trust funds under the provisions of section eleven of chapter seventy-five of the General Laws, administered by the trustees as gifts, grants, or trusts under the provisions of clause (e) of section ten of chapter fifteen A of the General Laws, made available for expenditure by the trustees pursuant to an appropriation or other spending authorization in the commonwealth's annual operating budget, including supplementary and deficiency budgets, or otherwise available for expenditure by the trustees, and (ii) may contract with HEFA or any university affiliate with respect thereto under terms permitting further transfer or pledge by HEFA to a trustee under any trust agreement related to such project and entered into by HEFA pursuant to chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended; provided, that in the case of any funds expected to be available for expenditure by the trustees pursuant to subsequent appropriation or other spending authorization by the legislature, the trustees may only pledge that they will so transfer such funds subject to such subsequent appropriation or other spending authorization. The trustees may impose such terms and conditions as to the application of the funds so transferred as the trustees deem appropriate for the carrying out of the provisions of said chapter six hundred and fourteen and of chapter seventy-five of the General Laws. Any such pledge shall be valid and binding from the time when the pledge is made; the funds so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall

be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the university or any university affiliate, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which such a pledge is created need be filed or recorded except in the records of HEFA.

SECTION 112. Section 1 of chapter 557 of the acts of 1961, as most recently amended by chapter 805 of the acts of 1985, is hereby further amended by adding the following two paragraphs:-

(i) The term "HEFA" shall mean the Health and Educational Facilities Authority created by section four of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended, or, if said Health and Educational Facilities Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to which the powers given by said chapter six hundred and fourteen shall be given by law.

(j) The term "University Affiliate" shall mean the Authority and any other organization affiliated with the university, as defined in paragraph *(e)* of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight.

SECTION 113. Section 4 of said chapter 557, as most recently amended by section 6 of said chapter 805, is hereby further amended by striking out paragraph *(o)* and inserting in place thereof the following paragraph:-

(o) To do all acts and things necessary or convenient to carry out, or, in connection with any financing or refinancing provided by HEFA, to assist and cooperate with the university, other university affiliates, or HEFA in carrying out, the powers expressly granted in this act.

SECTION 114. Section 5 of said chapter 557, as most recently amended by section 7 of said chapter 805, is hereby further amended by adding the following paragraph:-

In connection with any financing or refinancing provided by HEFA, the provisions of this paragraph shall apply. For the purpose of this section, section nineteen A, and section nineteen B, the term "Authority" shall also refer to HEFA and to any university affiliate. The word project, as used in this act, shall also have the meaning in paragraph *(b)* of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended. No sale, conveyance, lease, or grant made under this section by HEFA, or the commonwealth acting through the trustees, or any university affiliate to HEFA, the commonwealth acting through the trustees, or any university affiliate shall be subject to the provisions of section forty F, section forty F 1/2, section forty H, or section forty I of chapter seven of the General Laws; provided, that the trustees may elect for any such sale, conveyance, lease, or grant to be subject to the provisions of said sections; provided, further, that - in connection with (i) any project upon any real property or right thereto obtained by HEFA or any university affiliate pursuant to a sale,

conveyance, lease, or grant hereby exempted from said sections, or (ii) any disposition to a person or entity other than HEFA, or the commonwealth acting through the trustees, or a university affiliate of any real property or right thereto obtained by HEFA or any university affiliate pursuant to a sale, conveyance, lease, or grant hereby exempted from said sections - HEFA or such university affiliate, as the case may be, shall be deemed to be a state agency for the purpose of paragraph (v) of section thirty-nine A of chapter seven of the General Laws and shall be deemed to be a public agency for the purpose of subsection (1) of section forty-four A of chapter one hundred and forty-nine of the General Laws. Notwithstanding any provision of paragraph (a) or section nineteen A to the contrary, any sale, conveyance, lease or grant made under this section or section nineteen A to HEFA, the commonwealth acting through the trustees or any university affiliate shall become effective without any necessity for any approval by the governor or the council.

SECTION 115. Said chapter 557 is hereby further amended by inserting after section 19B the following section:-

Section 19C. To provide for the expenses of HEFA and for the payment of indebtedness incurred by it in connection with any project financed by HEFA on behalf of the university or any university affiliate, or in connection with any transfer for such purpose by HEFA, or the commonwealth acting through the trustees under the provisions of section five, or any university affiliate to HEFA, or the commonwealth acting through the trustees, or any university affiliate of buildings or other property, the trustees may, in the name and on behalf of the commonwealth, (i) transfer or pledge that they will periodically transfer to HEFA, or any university affiliate under terms permitting further transfer or pledge to HEFA, any part or all of any funds held by the trustees as trust funds under the provisions of section eight of chapter seventy-five A of the General Laws, administered by the trustees as gifts, grants, or trusts under the provisions of clause (e) of section ten of chapter fifteen A of the General Laws, made available for expenditure by the trustees pursuant to an appropriation or other spending authorization in the commonwealth's annual operating budget, including supplementary and deficiency budgets, or otherwise available for expenditure by the trustees, and (ii) may contract with HEFA or any university affiliate with respect thereto under terms permitting further transfer or pledge by HEFA to a trustee under any trust agreement related to such project and entered into by HEFA pursuant to chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended; provided, that in the case of any funds expected to be available for expenditure by the trustees pursuant to subsequent appropriation or other spending authorization by the legislature, the trustees may only pledge that they will so transfer such funds subject to such subsequent appropriation or other spending authorization. The trustees may impose such terms and conditions as to the application of the funds so transferred as the trustees deem appropriate for the carrying out of the

provisions of said chapter six hundred and fourteen and of chapter seventy-five A of the General Laws. Any such pledge shall be valid and binding from the time when the pledge is made; the funds so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the university or any university affiliate, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which such a pledge is created need be filed or recorded except in the records of HEFA.

SECTION 115A. Section 1 of chapter 703 of the acts of 1963 is hereby amended by adding the following two paragraphs:-

(i) The term "HEFA" shall mean the Health and Educational Facilities Authority created by section four of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended, or, if said Health and Educational Facilities Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to which the powers given by said chapter six hundred and fourteen shall be given by law.

(j) The term "State College Affiliate" shall mean the Authority and any other organization affiliated with any state college, as defined in paragraph (e) of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended.

SECTION 116. Section 4 of said chapter 703 is hereby further amended by striking out paragraph *(o)* and inserting in place thereof the following paragraph:-

(o) To do all acts and things necessary or convenient to carry out, or, in connection with any financing or refinancing provided by HEFA, to assist and cooperate with any state college, other state college affiliates, or HEFA in carrying out, the powers expressly granted in this act.

SECTION 117. Section 5 of said chapter 703 is hereby amended by adding the following paragraph:-

In connection with any financing or refinancing provided by HEFA, the provisions of this paragraph shall apply. For the purpose of this section, section nineteen, and section twenty, the term "authority" shall also refer to HEFA and to any state college affiliate. The word project, as used in this act, shall also have the meaning given in paragraph *(b)* of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended. No sale, conveyance, lease, or grant made under this section by HEFA, or the commonwealth acting through the trustees, or any state college affiliate to HEFA, or the commonwealth acting through the trustees, or any state college affiliate shall be subject to the provisions of section forty F, section forty F 1/2, section forty H, or section forty I of chapter seven of the General Laws; provided, that the trustees may elect for any such sale, conveyance, lease, or grant to be subject to the provisions of said sections; provided, further, that - in connection with (i) any project upon any real

property or right thereto obtained by HEFA or any state college affiliate pursuant to a sale, conveyance, lease, or grant hereby exempted from said sections, or (ii) disposition to a person or entity other than HEFA, or the commonwealth acting through the trustees, or a state college affiliate of any real property or right thereto obtained by HEFA or any state college affiliate pursuant to a sale, conveyance, lease, or grant hereby exempted from said sections - HEFA or such state college affiliate, as the case may be, shall be deemed to be a state agency for the purpose of paragraph (v) of section thirty-nine A of chapter seven of the General Laws and shall be deemed to be a public agency for the purpose of subsection (1) of section forty-four A of chapter one hundred and forty-nine of the General Laws. Notwithstanding any provision of paragraph (a) or section nineteen A to the contrary, any sale, conveyance, lease or grant made under this section or section nineteen A to HEFA, the commonwealth acting through the trustees or any university affiliate shall become effective without any necessity for any approval by the governor or the council.

SECTION 118. Said chapter 703 is hereby further amended by inserting after section 18 the following section:-

Section 18A. To provide for the expenses of HEFA and for the payment of indebtedness incurred by it in connection with any project financed by HEFA on behalf of any state college or any state college affiliate, or in connection with any transfer for such purpose by HEFA, or the commonwealth acting through the trustees under section five, or any state college affiliate to HEFA, or the commonwealth acting through the trustees, or any state college affiliate of buildings or other property, the trustees may, in the name and on behalf of the commonwealth, *(i)* transfer or pledge that they will periodically transfer to HEFA, or to any state college affiliate under terms permitting further transfer or pledge to HEFA, any part or all of any funds held as trust funds for any state college under the provisions of section fourteen of chapter seventy-three of the General Laws, administered on behalf of any state college as gifts, grants, or trusts under the provisions of clause (e) of section ten of chapter fifteen A of the General Laws, made available for expenditure on behalf of any state college pursuant to an appropriation or other spending authorization in the commonwealth's annual operating budget, including supplementary and deficiency budgets, or otherwise available for expenditure by the trustees, and *(ii)* may contract with HEFA or any state college affiliate with respect thereto under terms permitting further transfer or pledge by HEFA to a trustee under any trust agreement related to such project and entered into by HEFA pursuant to chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight; provided, that in the case of any funds expected to be available for expenditure by the trustees pursuant to subsequent appropriation or other spending authorization by the legislature, the trustees may only pledge that they will so transfer such funds subject to such subsequent appropriation or other spending authorization. The trustees may impose such terms

terms and conditions as to the application of the funds so transferred as the trustees deem appropriate for the carrying out of the provisions of said chapter six hundred and fourteen and of chapter seventy-three of the General Laws. Any such pledge shall be valid and binding from the time when the pledge is made; the funds so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against any state college or any state college affiliate, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which such a pledge is created need be filed or recorded except in the records of HEFA.

SECTION 119. Section 1 of chapter 703 of the acts of 1964 is hereby amended by adding the following two paragraphs:-

(i) The term "HEFA" shall mean the Health and Educational Facilities Authority created by section four of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, or, if said Health and Educational Facilities Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to which the powers given by said chapter six hundred and fourteen shall be given by law.

(j) The term "University Affiliate" shall mean the Authority and any other organization affiliated with the university, as defined in paragraph *(e)* of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended.

SECTION 120. Section 4 of said chapter 703, as most recently amended by section 18 of chapter 805 of the acts of 1985, is hereby further amended by striking out paragraph *(o)* and inserting in place thereof the following paragraph:-

(o) To do all acts and things necessary or convenient to carry out, or, in connection with any financing or refinancing provided by HEFA, to assist and cooperate with the university, any university affiliate, or HEFA in carrying out, the powers expressly granted in this act.

SECTION 121. Section 5 of said chapter 703 is hereby amended by adding the following paragraph:-

In connection with any financing or refinancing provided by HEFA, the provisions of this paragraph shall apply. For the purpose of this section, section twenty, and section twenty-one, the term "Authority" shall also refer to HEFA and to any university affiliate. The word project, as used in this act, shall also have the meaning given in paragraph *(b)* of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended. No sale, conveyance, lease, or grant made under this section by HEFA, the commonwealth acting through the trustees, or any university affiliate to HEFA, the commonwealth acting through the trustees, or any university affiliate shall be subject to the provisions of section forty F, section forty F 1/2, section forty H, or section forty

I of chapter seven of the General Laws; provided, that the trustees may elect for any such sale, conveyance, lease, or grant to be subject to the provisions of said sections; provided, further, that in connection with *(i)* any project upon any real property or right thereto obtained by HEFA or any university affiliate pursuant to a sale, conveyance, lease, or grant hereby exempted from said sections, or *(ii)* any disposition to a person or entity other than HEFA, or the commonwealth acting through the trustees, or a university affiliate of any real property or right thereto obtained by HEFA or any university affiliate pursuant to the sale, conveyance, lease, or grant hereby exempted from said sections - HEFA or such university affiliate, as the case may be, shall be deemed to be a state agency for the purpose of paragraph (v) of section thirty-nine A of chapter seven of the General Laws and shall be deemed to be a public agency for the purpose of subsection (1) of section forty-four A of chapter one hundred and forty-nine of the General Laws. Notwithstanding any provision of paragraph (a) or section twenty to the contrary, any sale, conveyance, lease or grant made under this section or section nineteen A to HEFA, the commonwealth acting through the trustees or any university affiliate shall become effective without any necessity for any approval by the governor or the council.

SECTION 122. Section 19 of said chapter 703 is hereby amended by adding the following paragraph:-

To provide for the expenses of HEFA and for the payment of indebtedness incurred by it in connection with any project financed by HEFA on behalf of the university or any university affiliate, or in connection with any transfer for such purpose by HEFA, or the commonwealth acting through the trustees under section five, or any university affiliate to HEFA, or the commonwealth acting through the trustees, or any university affiliate of buildings or other property, the trustees may, in the name and on behalf of the commonwealth, *(i)* transfer or pledge that they will periodically transfer to HEFA, or any university affiliate under terms permitting further transfer or pledge to HEFA, any part or all of any funds held by the trustees as trust funds under the provisions of section eight of chapter seventy-five B of the General Laws, administered by the trustees as gifts, grants, or trusts under the provisions of clause *(e)* of section ten of chapter fifteen A of the General Laws, made available for expenditure by the trustees pursuant to an appropriation or other spending authorization in the commonwealth's annual operating budget, including supplementary and deficiency budgets, or otherwise available for expenditure by the trustees, and *(ii)* may contract with HEFA or any university affiliate with respect thereto under terms permitting further transfer or pledge by HEFA to a trustee under any trust agreement related to such project and entered into by HEFA pursuant to chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, as amended; provided, that in the case of any funds expected to be available for expenditure by the trustees pursuant to subsequent appropriation or other spending authorization by the legislature, the trustees may only pledge that

they will so transfer such funds subject to such subsequent appropriation or other spending authorization. The trustees may impose such terms and conditions as to the application of the funds so transferred as the trustees deem appropriate for the carrying out of the provisions of said chapter six hundred and fourteen and of chapter seventy-five B of the General Laws. Any such pledge shall be valid and binding from the time when the pledge is made; the funds so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the university or any university affiliate, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which such a pledge is created need be filed or recorded except in the records of HEFA.

SECTION 123. Paragraph (b) of section 3 of chapter 614 of the acts of 1968, as amended by section 1 of chapter 789 of the acts of 1985, is hereby further amended by striking out, in lines 44 and 45, the words "but shall not include" and inserting in place thereof the words:- and may also include the issuance of tax-exempt debt instruments for working capital and for the providing of.

SECTION 124. Section 3 of chapter 614 of the acts of 1968 is hereby amended by striking out paragraph *(e)* and inserting in place thereof the following paragraph:-

(e) "Institution for higher education", a public or a private, nonprofit educational institution within the commonwealth authorized by law to provide a program of education beyond the high school level, or any organization affiliated therewith; provided, that for the purposes of this paragraph an "organization affiliated" with such educational institution shall be any organization or association, in any form, the activities of which are a part of the activities of such educational institution and are subject to regulation by the trustees or other governing body of such educational institution, or any research foundation, teaching hospital and associated clinics, or other research or educational organization the operation of which in conjunction with such educational institution is approved by the trustees or other governing body of such educational institution, or any other entity whose activities are approved by the trustees or other governing body of such educational institution as furthering the purposes of the educational institution, or, in the case of a public institution for higher education, the board of regents established under section two of chapter fifteen A of the General Laws.

SECTION 125. Section 5 of said chapter 614 is hereby amended by striking out paragraph *(k)* and inserting in place thereof the follow paragraph:-

(k) to mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance such project; provided, however, that the authority shall not mortgage any project undertaken on behalf of a public institution for higher education or the site thereof, and shall not convey such project or site except pursuant to section eight;.

SECTION 126. Said section 5 of said chapter 614 is hereby further amended by adding the following paragraph:-

The authority shall not undertake any project on behalf of a public institution for higher education except upon written request made by the board of regents of higher education established under section two of chapter fifteen A of the General Laws.

SECTION 127. Section 13 of said chapter 614, as most recently amended by section 25 of chapter 777 of the acts of 1981, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this commonwealth other than the authority, except as provided in section thirteen A.

SECTION 128. Said chapter 614 is hereby further amended by inserting, immediately after section thirteen, the following new section:-

Section 13A. In the case of any project for a public institution for higher education, any establishment or revision of rules and regulations for the use thereof and any fixing or revising of rates, rents, fees or other charges by the authority shall require the approval of the trustees. The trustees shall exercise their powers hereunder so that the aggregate of such rates, rents, fees and charges from such project with other revenues, if any, shall be sufficient (1) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for, (2) to pay the principal of and the interest on outstanding revenue bonds of the authority issued in respect of such project as the same shall become due and payable, and (3) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the authority. Upon any failure of the trustees so to exercise their powers, the authority may proceed to establish or revise such rules and regulations and fix or revise such rates, rents, fees or other charges without the approval of the trustees; provided, that in such case the trustees may propose alternative rules and regulations or scale of rates, rents, fees or other charges which shall thereupon be adopted by the authority if aggregate revenues sufficient to meet said requirements will be produced thereby. Such rates, rents, fees or other charges shall not, except as expressly provided herein with respect to the trustee, be subject to supervision or regulation of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof. For the purpose of this section, the term "trustees" shall mean (i) the board of regents established under section two of chapter fifteen A of the General Laws, in the case of any state college, as defined in paragraph (h) of section one of chapter seven hundred and three of the acts of nineteen hundred and sixty-three, or in the case of any community college, as defined in paragraph (a) of section five B of chapter fifteen A of the General Laws, or (ii) the trustees of the public institution of higher education, or

said board of regents if authorized by the trustees, in the case of a public university.

SECTION 129. Section 3 of chapter 585 of the acts of 1986 is hereby amended by striking out, in line 2, the word "ninety" and inserting in place thereof the following word:- ninety-one.

SECTION 130. Said section 3 of said chapter 585 is hereby further amended by striking out, in lines 4 and 7, the word "eighty-nine", and inserting in place thereof, in each instance, the word:- ninety.

SECTION 131. Chapter 23 of the acts of 1988 is hereby amended by striking out section 83 and inserting in place thereof the following section:-

Section 83. There is hereby established a labor shortage trust fund which shall be administered and expended by the department of medical security without further appropriation. The purpose of said fund is to finance projects that address the critical labor shortage facing hospitals, including, but not limited to, projects to train health care workers, to develop career ladders within the health care professions, and to establish day care programs at hospitals and other health care facilities. The 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.

The fund shall consist of revenues provided by an assessment on each acute care hospital equal to one-tenth of one percent of the annual gross patient service revenues of such hospital approved under chapter six A of the General Laws. Said revenues shall be received impressed with a trust for the benefit of hospitals, other health care providers, and present and future health care workers.

SECTION 132. Section thirty of chapter two hundred and eight of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 133. Section eighteen of chapter two hundred and thirty-six of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 134. Section thirty-seven of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine is hereby repealed.

SECTION 135. Section 81 of said chapter 240 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 such projects".

SECTION 136. Section 106 of said chapter 240 is hereby amended by striking out, in line 8, the figure "1102-7881" and inserting in place thereof the figures:- 1100-1561, 1102-7881.

SECTION 137. Said chapter 240 is hereby further amended by striking out section 98 and inserting in place thereof the following section:-

Section 98. Notwithstanding the provisions of any general or special law to the

contrary, rates determined by the rate setting commission for programs pursuant to chapter seventy-one B of the General Laws shall be set annually for every program by the first Wednesday in February for the next fiscal year. Said rates shall not be increased except to account for inflation, cost of living increases, and increased expenditures required by government agencies to retain necessary licenses and certificates affecting the health and safety of students, as determined by the commission.

If said commission fails to determine said final annual rates on or before the first Wednesday in February, said rates then in effect shall continue to be in effect for the next fiscal year.

Annual program rates may be adjusted prospectively at any time to account for extraordinary or unanticipated rate year costs beyond the reasonable control of the provider if the adjustment is approved by the rate setting commission and an independent review board which is in the department of education but not subject to its control. Said board shall consist of one special education administrator, one member of the department of education, and one representative of a private school approved pursuant to chapter seventy-one B of the General Laws, all of whom shall be selected by the department of education; one representative of the rate setting commission who shall be selected by the rate setting commission; one representative of the Massachusetts municipal association who shall be selected by said association; one representative of the Massachusetts Association of School Committees who shall be selected by said association; and one representative of the Massachusetts Association of School Superintendents who shall be selected by said association. Members shall be appointed on a case by case basis. Said board may approve, reject, or amend the request based on cost models established jointly by the department of education and the rate setting commission. The recommendation of said board shall be final.

Annual program rates may also be adjusted prospectively by the rate setting commission to reflect costs attributable to extraordinary changes in volume, all as set forth in regulations of the commission. No such rate may be adjusted retroactive to its effective date except to account for the results of administrative reviews, if any, as provided in the regulations of the commission. Nothing herein shall preclude the commission from setting a rate for a new program established for the first time under chapter seventy-one B of the General Laws, or sole source rates as provided in the regulations of the commission, after the first Wednesday in February of any fiscal year.

SECTION 138. Pursuant to the provisions of section forty-two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine and notwithstanding any general or special law to the contrary, the secretary of administration and finance is hereby authorized and directed to establish the following fees for service; provided, however, that said fees for service shall take effect upon the effective date of this section.

Registry of Motor Vehicles	
Commercial Driver's License Endorsement fee	$ 10.00 per endorsement
Salvage Vehicle Examination fee	50.00
Reinstatement of Driver's License or Right to Operate After Suspension or Revocation	40.00
Department of Labor and Industries	
Deleader-contractor license	$350.00
Deleader-supervisor license	100.00
Executive Office of Environmental Affairs	
Digital Cartographic Data Files	
Category A	$ 50.00
Category B	100.00
Category C	150.00
File Conversion Fee	25.00
GIS Generated Standard Map Products	
Category A	50.00
Category B	100.00
Category C	150.00
Custom Map and Data Products	
Category A	250.00
Category B	500.00
Category C	1,000.00
Category D	2,500.00
Mailing Lists	$.10 per label
	$15.00 per staff hour
Special Reports	$ .05 per page
	$15.00 per staff hour
Data Entry	$25.00 per staff hour

SECTION 139. Chapter 240 of the acts of 1989 is hereby amended in section two C by striking line item 4516-0102 therein and inserting in place thereof the following line item:-

4516-0102	The department of public health drug analysis laboratory may expend revenues in an amount not to exceed seven hundred and fifty thousand dollars accrued from penalties paid in accordance with section B of chapter two hundred and eighty of the General Laws for services provided to analyze samples used in prosecution of controlled substance offenses and for the compensation of employees	$300,000

SECTION 140. Notwithstanding the provisions of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine or any other general or special law to the contrary, amounts appropriated in each of the following items of section two of said chapter two hundred and forty are hereby authorized to be expended, pursuant to the court judgement in Quirk v. Anrig, for the costs of retroactive salary adjustments for services provided by institutional school personnel funded from said items: 4311-0009, 4513-1000, 4540-0001, 5046-0000, 5047-0000, 5051-0100, 5095-0000, 5948-0000, 5983-0100.

SECTION 141. Notwithstanding the provisions of any general or special law to the contrary, there shall be established upon the books of the commonwealth a separate fund to be known as the Vaccine Trust Fund. This fund shall consist of monies paid or contributed to the fund from the "uncompensated care pool", as defined by subsection (1) of section fifteen of chapter one hundred and eighteen F of the General Laws.

The treasurer of the commonwealth is authorized to transfer an amount equal to eight million dollars for fiscal year nineteen hundred and ninety and eight million dollars for fiscal year nineteen hundred and ninety-one from the "uncompensated care pool" to said Vaccine Trust Fund.

The revenue received from payments made under this section shall be impressed with a trust on behalf of the beneficiaries of said program and shall be kept in the trust fund separate and apart from all other monies received by the commonwealth. The treasurer of the commonwealth shall be the custodian of the trust fund. The monies in the trust fund shall be invested by the treasurer in accordance with law; provided, however, that the treasurer shall make no investments that prevent the treasurer from making timely payment of disbursements. Interest income and dividends from such investments shall be credited to the fund. The treasurer shall make payments from the trust fund, without further appropriation, on the submission of a warrant listing all payments to be made, which has been approved in writing by the commissioner of public health or his designee. Said payments shall be only for the purchase or manufacture of vaccines consistent with the current practices of the department of public health.

The books and records of the trust fund shall be subject to an annual audit by the auditor of the commonwealth. Up to five percent of the Vaccine Trust Fund, not to exceed two hundred thousand dollars annually, may be expended by the commissioner of public health for the ongoing administrative costs of the Vaccine Trust Fund.

SECTION 142. On behalf of the governor, the commissioner of administration shall conduct a management study of the structure of the executive branch of the commonwealth. Such study shall include, but not be limited to, an analysis of the structure and efficiency of the several executive offices, the governor's policy offices, the system of institutions of higher education, and the major state agencies. Such study shall make recommendations as to the feasibility of transferring,

consolidating, or abolishing any of the functions performed by any of the offices, institutions, and agencies listed above.

Pursuant to such study, the governor is hereby authorized and directed to prepare and submit to the general court by May first, nineteen hundred and ninety, a reorganization plan pursuant to Article LXXXVII of the Amendments to the Constitution for the purpose of transferring, abolishing, consolidating, or coordinating the whole or part of any executive office or the functions or agencies thereof; provided, that such reorganization plan shall reduce the total of executive offices to no more than eight; and provided, further, that such reorganization plan shall eliminate the governor's offices of economic development, human resources, and education by May first, nineteen hundred and ninety.

The purpose of such proposed reorganization shall be to simplify the structure of state government and to manage its activities more efficiently and cost effectively. Such proposed reorganization shall take into account issues including, but not limited to, the missions and mandates of the executive offices both individually and collectively, the possibility of using alternative management techniques and lines of authority to attain a more efficient allocation of limited resources, elimination of unnecessary duplication of functions across and within executive offices, and a feasible schedule for the accomplishment of such reorganization.

SECTION 143. The commissioner of administration and finance shall take all steps necessary to reduce by January thirty-first, nineteen hundred and ninety the total number of filled positions in state agencies of the executive branch by not less than five thousand from the total number of filled positions on July first, nineteen hundred and eighty-eight; provided, however, that in making such reductions the commissioner shall take public health and public safety into account. Within fifteen days of the effective date of this act, the secretary of administration shall establish agency targets necessary to achieve said reduction and shall submit monthly progress reports to the senate and house committees on ways and means. Within fifteen days of the effective date of this act, the commissioner of administration shall file a list of the salary and position title of each full-time equivalent position eliminated from the state payroll since July first, nineteen hundred and eighty-eight. Said list shall be updated and filed monthly thereafter.

SECTION 144. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration shall make available on a quarterly basis beginning January first, nineteen hundred and ninety with the clerks of the house and the senate and the house and senate committees on ways and means a report or reports of the number of employees receiving compensation from the 01 subsidiary account, including but not limited to those employees paid overtime or differential pay through the 02 subsidiary account and those employees in positions classified as excess quota positions, provided that such report shall include said employees receiving compensation from accounts payable through

appropriated funds, trust funds, federal funds, or proceeds from the sale of bonds or notes; provided, however that said report or reports shall include the account number, the employing agency, name, salary, position, and the appointment date of each such employee. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration shall make available on a quarterly basis beginning January first, nineteen hundred and ninety with the clerks of the house and senate and with the house and senate committee on ways and means a report of the contracts for services payable from the 03 subsidiary account through accounts payable from appropriated funds, trust funds, federal funds, or the proceeds from the sale of bonds or notes; provided that such report shall include the name and address of the vendor of such services, the contracting agency, the account from which the funds are to be expended, a brief description of such services, the duration of the contract, the maximum obligation of such contract, and the amount expended to date to fund such contract.

SECTION 145. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration shall file with the Senate and House Committees on Ways and Means within thirty days of the effective date of this act and monthly thereafter, a report which shall include an account by account description of fiscal year nineteen hundred and ninety deficiency items including a projection of the amount of each deficiency and the reasons for each deficiency.

SECTION 147. Notwithstanding the provisions of any general or special law to the contrary, the Environmental Challenge Fund shall forward to the division of environmental law enforcement certain funds in accordance with the provisions set forth in item 2350-0100 of section two for officers working in the hazardous waste task force within said division of environmental law enforcement.

SECTION 148. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized to charge a fee for the use of its lot for parking on Berkeley street in the city of Boston. Said fee shall range between five and fifteen dollars per vehicle and shall be set at the discretion of the commissioner of the metropolitan district commission, taking into consideration the lot's usage. The metropolitan district commission is authorized to employ two part-time employees to staff the lot during high capacity Boston Garden events as determined by the metropolitan district commission.

SECTION 149. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety, the Massachusetts Housing Finance Agency is hereby authorized and directed to pay three million eight hundred twenty-five thousand dollars from funds available in the unrestricted fund balance of said agency for the cost of the section thirteen A interest subsidy program; said amount to be in addition to any amount appropriated in item 3722-9201 of section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine.

SECTION 150. (1) The secretary of administration and finance is hereby

authorized and directed to establish by January first, nineteen hundred and ninety guidelines for the utilization of all state vehicles that are owned, leased or assigned to any branch of state government. Said guidelines shall require the following:

(a) no agency may purchase, enter into a new lease for the use of, or obtain the ownership of a motor vehicle without the specific approval of the secretary of administration and finance.

(b) no employee shall use a state owned vehicle to travel from the employee's place of residence to the employee's place of work, unless such use is specifically authorized by the secretary of administration and finance.

(c) each agency shall provide said secretary with a monthly motor vehicle report, in a form as he shall prescribe. Said report shall include the year, make, registration number, and actual monthly mileage of any vehicle leased, owned, or assigned to each agency; the name, position number, and position title of the employee assigned to each vehicle; and a detailed explanation of the need for each vehicle.

(d) pursuant to administrative bulletin 89-6 issued by the executive office for administration and finance, any motor vehicle that does not meet the criteria to be assigned to a state agency shall be placed in the "MVMB Motor Pool", so-called; provided that, said secretary shall determine the quantity and type of vehicles in the MVMB motor pool. All motor vehicles in the MVMB motor pool that are in excess of the quantity and are not of the type necessary for said pool shall be considered surplus state property and subject to disposition in accordance with the General Laws.

(2) Said secretary shall submit a monthly motor vehicle utilization report to the house and senate committees on ways and means. Said report shall include the following:

(a) all purchases, pursuant to clause *(a)* of subsection (1), approved by the secretary, including the year, make, registration number, and actual monthly mileage of any vehicle leased, owned, or assigned to each agency; the name, position number, and position title of the employee assigned to each vehicle; and a detailed explanation of the need for each vehicle. The secretary shall identify the funding source for each such purchase.

(b) any authorization pursuant to clause *(b)* of subsection (1), provided that said secretary shall include the name, office location, position number and position title of the employee given such authorization; the year make, registration number and actual monthly mileage of the vehicle assigned to such employee; and a detailed explanation of the need for such authorization.

(c) a complete listing of all motor vehicles, including the year, make, registration number, and actual monthly mileage of any vehicle leased, owned, or assigned to each agency; the name, position number, and position title of the employee assigned to each vehicle; and a detailed explanation of the need for each vehicle. Said report shall not include vehicles with confidential plates, as provided

in administrative bulletin 89-6 issued by the executive office for administration and finance; provided, however, that said report shall state the number of confidential plates that have been issued.

(d) a listing of all motor vehicles that were subject to disposition during the prior month identifying the former state vehicle by the year, make, registration number, and actual monthly mileage, and the name, position number, and position title of the employee last assigned to each vehicle.

(3) The initial report submitted pursuant to subsection (2) shall include a listing of all motor vehicles that were subject to disposition during July first, nineteen hundred and eighty-nine through December thirty-first, nineteen hundred and eighty-nine identifying the former state vehicle by the year, make, registration number, and actual monthly mileage, and the name, position number, and position title of the employee last assigned to said vehicle.

SECTION 151. The secretary of administration and finance is hereby authorized and directed to develop and implement on or before July first, nineteen hundred and ninety, a program whereby the use of state vehicles owned or operated by the motor vehicle management bureau shall be supported by a system of rental fees assessed to the various agencies, departments, divisions, authorities and other legal entities of the commonwealth based on their use of said vehicles. Said program shall further include provisions establishing uniform compensation rates for the use of private vehicles by state employees in the course of their work. It shall be the stated purpose of said program to eliminate direct funding from the General Fund or any other fund of the commonwealth for the capital and operating costs of the motor vehicle management bureau, and to provide state vehicles to the various agencies, departments, divisions, authorities and other legal entities of the commonwealth on a more cost effective basis.

SECTION 152. The deputy commissioner of the division of capital planning and operations is authorized and directed to establish guidelines for the utilization of all office space leased by any branch of state government by February first, nineteen hundred and ninety. Said guidelines shall provide that no agency of the commonwealth may enter into any new rental or lease agreement without the specific authorization of said deputy commissioner. Said deputy commissioner shall not authorize any such agreement until said division certifies that no available and appropriate office space exists in state owned facilities to meet the space and location requirements of the prospective lessee. Said deputy commissioner shall submit a semi-annual report on the utilization of office space, rented and state-owned, by the agencies of the commonwealth, to the house and senate committees on ways and means. Said report shall include a list of all leases held by agencies of the commonwealth including the terms of each rental contract specifying the size, cost, and explanation of need for such lease; a listing of vacancies in existing state owned facilities.

SECTION 153. Notwithstanding the provisions of any general or special law

to the contrary, each secretary, as defined in section one of chapter twenty-nine of the General Laws, and each constitutional officer of the commonwealth may employ not more than one full-time equivalent press secretary; each state agency, as defined in said section one, each such secretariat and each constitutional officer may employ not more than one legislative liaison; no such state agency shall employ a press secretary.

SECTION 154. On or before June thirtieth, nineteen hundred and ninety, the Massachusetts Port Authority shall pay to the commonwealth all sums required to be paid pursuant to section six of chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six; provided, that the amount paid pursuant to this section shall not be less than thirty million dollars. All amounts received pursuant to this section shall be credited to the General Fund.

SECTION 155. The Massachusetts Technology Development Corporation shall reimburse the commonwealth for amounts appropriated for the expenses of said corporation. Said reimbursement shall be paid on or before June thirtieth, nineteen hundred and ninety and shall not be less than one million dollars. Amounts received pursuant to this section shall be credited to the General Fund.

SECTION 156. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the following police forces of the commonwealth are hereby declared to be within and under the supervision and control of the department of public safety: the division of state police, the metropolitan district commission police force, the capitol police force, and the division of law enforcement of the registry of motor vehicles. The commissioner of public safety shall coordinate and direct the functioning of such police forces; including, but not limited to annual budget preparation, the efficient use of office space, equipment, and motor vehicles, and the employment of clerical and administrative personnel. The commissioner of public safety shall assume the powers, duties, and responsibilities of the commissioner of the metropolitan district commission, the chief of the capitol police, and the registrar of motor vehicles for the purposes of supervision and control of the personnel of the metropolitan district commission police force, the capitol police force and the division of law enforcement of the registry of motor vehicles, including those powers, duties, and responsibilities provided pursuant to the provisions of the respective collective bargaining agreements.

Nothing in this section shall be deemed to impair the rights of any employee of the division of state police, the metropolitan district police force, the capitol police force, or the registry of motor vehicles provided pursuant to the appropriate collective bargaining agreement, nor shall anything in this section be deemed to impair the rights, including but not limited to civil service rights, seniority, group insurance benefits, and retirement benefits of any such employee.

SECTION 157. The secretary of human services is hereby authorized and directed to develop a plan to eliminate regional offices within the department of

social services; provided, however, that said plan shall allow for the continued operation of one regional office for the aforementioned department to be located in western Massachusetts.

The plan called for in the first paragraph of this section shall include a detail of the cost savings associated with each closing of a regional center, a listing of all positions to be eliminated as a result of such closing, a listing of all positions to be transferred to either an area office or a central office as a result of such closing and any other information as may be deemed appropriate. Said reports shall be completed and forwarded to the clerk of the house of representatives and the clerk of the senate within thirty days of the effective date of this act.

SECTION 158. Effective April first, nineteen hundred and ninety the department of public welfare shall require that objective needs-based assessment criteria be established for all programs not subject to department of public health determination of need approval. Effective April first, nineteen hundred and ninety, the department of public welfare shall re-determine the eligibility for participation for all providers of programs subject to said needs-based assessment.

SECTION 159. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare shall not make payments for the following: Christian Science nurses, Christian Science sanitaria, and services provided by social work interns; provided however, that the department shall develop procedures whereby the provisions of this section may be waived for individual cases for which the commissioner determines that either access to alternative benefits or providers is not available or appropriate, or that the provision of said alternative benefits could not be provided in a cost-effective manner.

SECTION 160. Notwithstanding the provisions of any general or special law to the contrary, whenever pharmaceutical benefits are provided to recipients, the department of public welfare shall make payments only for the cost of the least expensive, reasonably available interchangeable generic drug product; provided, however, that the department shall develop procedures whereby the provisions of this section may be waived for individual cases for which the practitioner provides written documentation to the department that a recipient's medical condition requires the use of a non-generic drug product. Only those interchangeable generic drugs which are listed on the most current formulary or supplement thereof as published by the department of public health shall be used as a basis for the maximum allowable payment pursuant to the provisions of this section.

SECTION 161. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare is hereby authorized and directed to develop regulations and procedures relative to requiring a recipient of medical assistance under the provisions of chapter 118E to participate in a program of managed care, upon determination by the department, pursuant to the provisions of 42 USC 1396n(a), subject to appeal by the recipient, that said recipient has demonstrated a pattern of excessive or inappropriate utilization of a covered

benefit.

Said determination shall be made pursuant to an evaluation by an independent case manager that adequate managed care is reasonably available to meet the recipient's needs for medical care and that *(i)* enrollment in such managed care program is the most appropriate alternative, or *(ii)* the recipient has received case management assistance in locating and accessing appropriate care, and excessive or inappropriate utilization of covered benefits has continued.

Selection of the managed care provider shall be subject to appeal by the recipient.

SECTION 162. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare is hereby authorized and directed to revise its rules and regulations pursuant to law with respect to the emergency assistance program as follows: any recipient who has received financial aid from the emergency assistance program more than once during a twelve month period shall be subject to an individual review by the assigned caseworker as to the reasons for the multiple usage of emergency assistance, and shall be placed by the department upon a protective payment schedule if said caseworker determines that the recipient has utilized emergency assistance as a result of having mismanaged funds.

SECTION 163. Notwithstanding the provisions of any general or special law to the contrary, all rental housing assistance programs funded through or administered by the executive office of communities and development, directly or through a subcontractor, shall, at the option of a local housing authority, established pursuant to section three of chapter one hundred and twenty-one B of the General Laws, be administered by the local housing authority if rental units leased under said rental housing assistance programs are located in the community served by the local housing authority, provided that said rental housing assistance programs shall include the Chapter 707 Rental Assistance Program, the federal Section 8 Rental Assistance Program and the federal housing voucher program, so-called.

SECTION 164. Section one hundred and sixty-three of this act shall apply only in the cities of Brockton, Lynn, Lawrence, New Bedford, Taunton, Malden, Springfield, West Springfield, Westfield, Holyoke and Chicopee.

SECTION 165. The secretary of administration and finance is hereby authorized and directed to conduct a study regarding the advisability of implementing a sliding fee scale for tuition paid by state employees attending Massachusetts public colleges and universities. Said study shall review the cost to the commonwealth of the present policy of permitting state employees to attend state colleges and universities without tuition charges, the impact of collective bargaining agreements on any sliding fee scale, the feasibility of restricting tuition benefits to state employees attending work-related courses, the impact of a sliding-fee tuition policy on the ability of the commonwealth and its institutions of higher education

to recruit employees, the cost savings to be achieved by implementing a sliding-fee tuition policy, and such other issues as the secretary may determine. Said study, together with drafts of legislation necessary to carry out its recommendations, if any, shall be transmitted to the senate and house committees on ways and means no later than April first, nineteen hundred and ninety.

SECTION 166. Notwithstanding the provisions of section eleven E of chapter twelve and section nine A of chapter six A of the General Laws or any other general or special law to the contrary, assessments levied pursuant to said section eleven E of said chapter twelve and said section nine A of said chapter six A for the fiscal years ending June thirtieth, nineteen hundred and ninety and nineteen hundred and ninety-one, shall include amounts, in addition to said assessment amounts, to be credited to the General Fund, equal to the total amount of funds estimated by the secretary of administration and finance to be expended from the General Fund in said fiscal years for indirect and fringe benefit costs attributable to personnel costs of the attorney general's office subject to the assessment under provisions of said section eleven E of said chapter twelve and said section nine A of said chapter six A. Collection of said amounts shall be subject to the provisions of said section eleven E of said chapter twelve and said section nine A of said chapter six A.

Notwithstanding the provisions of any general or special law to the contrary, any remaining balances at the end of fiscal years nineteen hundred and ninety and nineteen hundred and ninety-one of amounts available to be expended without further appropriation from assessments levied pursuant to said section eleven E of said chapter twelve and said section nine A of chapter six A, other than assessments on account of said indirect and fringe benefit costs, shall not revert to the General Fund, but shall be available for the purposes provided in said section eleven E during the ensuing fiscal year.

SECTION 167. Notwithstanding the provisions of section eleven F of chapter twelve and section eight F of chapter twenty-six of the General Laws or any other general or special law to the contrary, assessments levied pursuant to said sections for the fiscal years ending June thirtieth, nineteen hundred and ninety and nineteen hundred and ninety-one, shall include amounts, in addition to said assessment amounts, to be credited to the General Fund, equal to the total amount of funds estimated by the secretary of administration and finance to be expended from the General Fund in said fiscal years for indirect and fringe benefit costs attributable to personnel costs of the attorney general's office subject to the assessment under provisions of said sections of said section eleven F of said chapter twelve and said section eight F of said chapter twenty-six. Collection of said amounts shall be subject to the provisions of said section eleven F of said chapter twelve and said section eight F of said chapter twenty-six.

Notwithstanding the provisions of any general or special law to the contrary, any remaining balances at the end of fiscal years nineteen hundred and ninety and nineteen hundred and ninety-one of amounts available to be expended without

further appropriation from assessments levied pursuant to said section eleven F of said chapter twelve and said section eight F of said chapter twenty-six, other than assessments on account of said indirect and fringe benefit costs, shall not revert to the General Fund, but shall be available for the purposes provided in said section eleven F during the ensuing fiscal year.

SECTION 168. Notwithstanding the provisions of sections twelve M and seventeen A of chapter twenty-five of the General Laws or any other general or special law to the contrary, assessments levied pursuant to said sections for the fiscal years ending June thirtieth, nineteen hundred and ninety and nineteen hundred and ninety-one, shall include amounts, in addition to said assessment amounts, to be credited to the General Fund, equal to the total amount of funds estimated by the secretary of administration and finance to be expended from the General Fund in said fiscal years for indirect and fringe benefit costs attributable to personnel costs of the fuel charge monitoring bureau subject to the assessment under provisions of said sections twelve M and seventeen A of said chapter twenty-five. Collection of said amounts shall be subject to the provisions of said sections twelve M and seventeen A of said chapter twenty-five.

Notwithstanding the provisions of any general or special law to the contrary, any remaining balances at the end of fiscal years nineteen hundred and ninety and nineteen hundred and ninety-one of the amounts available to be expended without further appropriation from assessments levied pursuant to sections twelve M and seventeen A of chapter twenty-five, other than assessments on account of said indirect and fringe benefit costs, shall not revert to the General Fund, but shall be available for the purposes provided in said sections during the ensuing fiscal year.

SECTION 169. Notwithstanding the provisions of section eight I of chapter twenty-six of the General Laws or any other general or special law to the contrary, assessments levied pursuant to said section eight I for the fiscal years ending June thirtieth, nineteen hundred and ninety and nineteen hundred and ninety-one, shall include amounts, in addition to said assessment amounts, to be credited to the General Fund, equal to the total amount of funds estimated by the secretary of administration and finance to be expended from the General Fund in said fiscal years for indirect and fringe benefit costs attributable to personnel costs of the medical malpractice analysis bureau of the division of insurance subject to the assessment under provisions of said section eight I of said chapter twenty-six. Collection of said amounts shall be subject to the provisions of said section eight I of said chapter twenty-six.

Notwithstanding the provisions of any general or special law to the contrary, any remaining balances at the end of fiscal years nineteen hundred and ninety and nineteen hundred and ninety-one of amounts available to be expended without further appropriation from assessments levied pursuant to section eight I of said chapter twenty-six, other than assessments on account of said indirect and fringe benefit costs, shall not revert to the General Fund, but shall be available for the

purposes provided in said section eight I during the ensuing fiscal year.

SECTION 170. Notwithstanding the provisions of section sixteen of chapter one hundred and eighteen F of the General Laws or any other provision of law to the contrary, the commissioner of medical security is hereby authorized and directed to transfer the amount of one million dollars from the Medical Security Trust Fund to the General Fund. The amount remaining in such Medical Security Trust Fund after such transfer and any future amounts deposited in such fund shall be retained in such Trust Fund to be used solely for the purposes of such Trust Fund as set forth in said section sixteen of chapter one hundred and eighteen F, and no further transfer of any amount out of such Trust Fund into any other fund shall be authorized.

SECTION 171. Notwithstanding any general or special law to the contrary, the secretary of administration and finance in consultation with the secretary of the executive office of human services and the secretary of the executive office of elder affairs is hereby authorized and directed to develop sliding schedules of fees for the provision of certain services funded by departments and commissions within the executive office of human services and the executive office of elder affairs; provided that no such fees shall be charged to individuals and families whose incomes are at or below two hundred percent of the federal poverty line; provided further that any sliding fee scale which is in effect on or before the passage of this act shall be exempt from the provisions of this section, provided however, that exemption from this section shall not preclude the secretary of administration and finance, the secretary of human services or the secretary of elder affairs from adjusting or changing the fee structure of any existing sliding fee scales; provided further that the commissioner of such department or commission shall be authorized to adjust or waive a recipient's copayment if the commissioner determines that imposition of such a fee would interfere with the recipient's ability to receive services for reasons including but not limited to financial hardship due to recent disaster, extraordinary medical or rental expenses; provided further, that the secretary of administration and finance shall file a schedule of such copayments, including an estimate of the new costs and revenues resulting therefrom, with the senate and house committees on ways and means and no later than thirty days after the effective date of this act; and provided further that each such department or commission shall provide affected recipients at least sixty days notice of impending copayment before implementation of said copayments; provided further that said schedules shall be implemented no later than ninety days after the effective date of this act.

SECTION 172. Notwithstanding the provisions of section twenty of this act or any other general or special law to the contrary, the comptroller shall not recover more than the following amounts for the commonwealth's costs of fringe benefits provided to or on behalf on any individual compensated by the University of Massachusetts through any source other than a direct expenditure of an appropriation

during fiscal year nineteen hundred and ninety; for fringe benefits associated with the Amherst campus, nine million, forty-seven thousand dollars; for fringe benefit costs associated with the Boston campus, one million three hundred sixty-four thousand dollars; for fringe benefit costs associated with the Worcester campus, seven million nine hundred thirty thousand dollars; and for fringe benefit costs associated with the University of Massachusetts hospital, fifteen million six hundred thirty-seven thousand dollars.

Nothing in this section shall be construed as prohibiting the comptroller from making charges to recover the commonwealth's costs of fringe benefits provided to or on behalf of any individual compensated by the University of Massachusetts at any of its campuses from any source other than a direct appropriation during fiscal year nineteen hundred and ninety-one or in any ensuing fiscal year.

SECTION 173. The deputy commissioner of capital planning and operations shall conduct a study to determine how to reduce the annual costs of leased office space by five percent. The study shall evaluate the fiscal and programmatic impacts of reductions and consolidations of leased facilities, alternative methods of procurement of leased space, including but not limited to leasing with a longer term than five years, streamlining the statutory leasing process, and the replacement of leased facilities with purchased or newly constructed facilities.

Such report shall be filed, within sixty days of the effective date of this act, with the secretary of administration and finance and with the senate and house committees on ways and means.

SECTION 174. The secretary of human services shall conduct a study of methods to maximize revenues and to realize savings in the operation of the commonwealth's public and private hospitals. Such study shall include, but not be limited to, proposals for (1) maximizing federal Medicaid and Medicare revenue; (2) taking advantage of possible economies in purchasing, sharing and avoidance of duplication of services among state institutions; and (3) making cost effective use of excess capacity in the public and private hospital system to meet public needs, including the feasibility of consolidating existing state institutions. In addition, the secretary shall study the current mission, operations and revenue collection practices of the two soldiers' homes of the commonwealth and, where appropriate, recommend changes that will improve the quality and mix of services offered and maximize the collection of revenue by the soldiers' homes from all sources. The study shall be filed, within sixty days of the effective date of this act, with the secretary of administration and finance and with the senate and house committees on ways and means.

SECTION 175. The board of regents shall develop a plan regarding performance of energy audits for the purpose of reducing energy, utility and water costs at Massachusetts public colleges and universities. Said plan shall make recommendations for reductions in said costs of at least two percent within two years. Said plan shall be filed, within sixty days of the effective date of this act with

the house and senate committees on ways and means.

SECTION 176. The board of regents shall develop a plan regarding tuition for students at Massachusetts public colleges and universities who are not Massachusetts residents. This plan shall require that no later than July first, nineteen hundred and ninety-one, said students shall pay an amount equal to one hundred percent of the costs of enrollment and further shall recommend increases in tuition for said students effective January first, nineteen hundred and ninety which shall raise no less than three million dollars in retained revenue; provided, that the portion of tuition due to the increase for each said student shall be due no later than September thirtieth, nineteen hundred and ninety and shall not be subject to interest charges. Said plan shall be filed, within thirty days of the effective date of this act, with house and senate committees on ways and means. The provisions of this section shall not apply to the tuitions for students in the New England Regional Student Program.

SECTION 177. The comptroller is hereby authorized to transfer charges previously made against the following items, as appearing in chapter two hundred and forty of the acts of nineteen hundred and eighty-nine to the following new items, inserted by section two of this act:

	Chapter 240 Items		New Items
Section 2			
	1121-0100	to	0640-0300
	8312-0100	to	8312-0000
	8312-0100	to	8312-0104
	8400-0001	to	8312-0000
	8400-0040	to	8312-0102
	8400-0040	to	8312-0104
	8400-0040	to	8400-0001
	8500-0001	to	8312-0000
	8500-0001	to	8312-0103
	8500-0001	to	8312-0104
	9300-0004	to	9275-0003
	9300-0500	to	9275-0500
	9300-0600	to	9275-0004
	9300-0800	to	9000-0110
Section 2C			
	1121-0510	to	0640-2009

SECTION 178. The secretary of transportation is hereby authorized and directed to report on a bi-monthly basis as to the costs incurred in connection with the depression of the central artery project and the construction of the third harbor tunnel project and the sources and amounts of available funds to pay said costs by filing such report with the clerk of the house of representatives on the first Wednesday of each even numbered month.

SECTION 179. All officers, directors and employees of state authorities and all trustees and employees of state institutions of higher education are hereby made subject to the provisions of chapter fifty-five of the General Laws, including sections thirteen through seventeen, inclusive, thereof.

SECTION 180. The photovoltaic center of excellence is authorized to prepare, publish, and distribute to participating businesses and institutions technical studies, reports, bulletins and other materials regarding the facilities and activities of the photovoltaic program; provided, that the secretary of economic affairs may designate that certain information shall be available only to participating businesses and institutions, and shall not be deemed to be a public record as defined in clause twenty-sixth of section seven of chapter four of the General Laws, and shall not be subject to demand for production under section ten of chapter sixty-six of the General Laws.

SECTION 181. Notwithstanding the provisions of chapter one hundred and thirty-six, section six, clause fifty, and chapter one hundred and thirty-eight, local licensing authorities may grant, at their discretion, a permit to allow the sale of alcoholic beverages not to be drunk on the premises on the Sunday immediately preceding Christmas day and on the Sunday immediately preceding New Year's Day by retail establishments licensed under section fifteen of chapter one hundred and thirty-eight. Such permit shall not allow such sale to occur on legal holidays as defined by chapter one hundred and thirty-six when said holiday occurs on one of the two Sundays described in the first sentence or prior to the hour of twelve noon. Establishments operating under these provisions shall compensate all employees at a rate of not less than one and one-half the employees regular rate. No employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, discharge, reduction of hours or any other penalty.

SECTION 182. Notwithstanding any general or special law to the contrary, all public health hospitals as included in item 4540-0001 of section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, and item 4590-0100 of section two C of said act, shall remain fully operational and shall not cease to provide medical services at any time, unless a determination is made through the passage of legislation to alter or cease the operation of said facility.

SECTION 183. The secretary of administration and finance is hereby authorized and directed to execute a complete examination of the entire body of departmental licensing, quality assurance, and accreditation standards, policies, and procedures for duplication and overlap for the agencies within the secretariats of human services and elder affairs. The goal of this study should result a creation of a single set of baseline standards for health and safety concerns.

This shall include:

Surveying existing regulations, standards, and policies and assess current levels of resources currently allocated to these activities. Survey numbers of programs

currently licensed, certified, or accredited against each set of standards.

Creation of set of unified health and safety standards and program-specific supplements. Use existing accreditation systems in lieu of state-operated quality assurance systems. Where quality assurance systems are developed, require standards and measurements oriented toward efficacy and performance.

Assessment of cost savings from, and resource needs for implementation. Assess cost of licensing regulations through component pricing and feed information into budget process.

Development of appropriate enabling legislation for a consolidated single state licensing/quality assurance entity. Make adjustments to appropriations and transfer departmental staff.

Creation of implementation plan for coordinated program assessment and integrate into five-year contract cycle.

Linage of program assessment and evaluation information to the provider financial data base to create a comprehensive, system-wide information system. Create simplified "all-purpose" reporting format and eliminate unnecessary reporting.

The secretary of administration and finance shall submit this study to the house committee on ways and means within one hundred and fifty days of passage of this act.

SECTION 184. The secretary of administration and finance is hereby authorized and directed to establish a purchase of services administration with system-wide responsibility for pricing, auditing and data base systems. This office will hold pricing and auditing authority over Purchase of Services activities in all secretariats and agencies.

Organizational functions for this administration shall include market survey, personnel survey, cost analysis, and price update under pricing functions; data collection, data analysis, and report development and dissemination under data base functions; and audit quality control and financial standards, development and enforcement under auditing functions.

The secretary of administration and finance shall submit an initial plan of implementation to the house committee on ways and means within ninety days of passage of this bill. That initial plan will focus on the pricing units implementation of organizational and operational issues of system maintenance and integration of contracting, data base and audit.

The secretary of administration and finance shall submit the appropriate changes in statute to establish the purchase of services administration in the fiscal year nineteen hundred and ninety-one house budget document.

SECTION 185. Notwithstanding any general or special law to the contrary, the division of watershed management of the metropolitan district commission may expend an amount not to exceed two hundred thousand dollars from item 2420-7882 for the fiscal year of nineteen ninety, for the purchase of equipment which

is to be utilized for logging and other forestry related activities on the land under the care and control of said division.

SECTION 186. Notwithstanding any provision of law to the contrary, amounts appropriated in chapter two hundred and forty, chapter two hundred and eighty-seven and chapter three hundred and two of the acts of nineteen hundred and eighty-nine for any item of appropriation within the trial court except item 0332-0200 may be transferred to other items of appropriation within the trial court at the discretion of the chief administrative justice; provided that said chief administrative justice receive approval from the house and senate committees on ways and means before any such transfers.

SECTION 187. The department of public health shall bill the Medicare program established by Title XVIII of the Social Security Act for all patients cared for in hospitals operated by the department who have received or are eligible to receive a Medicare health insurance number. The department shall bill the Medicare program for all services provided to such patients since January first nineteen hundred and eighty-nine, the effective date of the Medicare Catastrophic Coverage Act of 1988, so-called (Public Law 100-360) as amended. The department shall make the billings required by this section within the time frame for billing services which are applicable to the Medicare program for the billing of patient care services.

By February first, nineteen hundred and ninety, the commissioner of public health shall issue a report to the house committee on ways and means and the senate committee on ways and means which shall provide the following information with respect to each hospital operated by the department:

(a) the number and percentage of patients billed to the Medicaid program prior to January first nineteen hundred and eighty-nine;

(b) the number and percentage of patients who by reason of age or disability are entitled to Medicare claim identification numbers;

(c) whether any of the individuals identified in subsection (b) are not entitled to Medicare benefits and the reasons therefor;

(d) whether any practice of the department of public welfare or department of public health has resulted in patients admitted to public health hospitals with or entitled to Medicare identification numbers, not being entitled to benefits under the Medicare program; and

(e) the cost savings and revenues which will be generated from the billings required by this section.

The department shall prior to December thirty-first nineteen hundred and eighty-nine file applications with the health care financing administration for each hospital to increase its Medicare payment rate.

SECTION 188. Notwithstanding the provisions of section twenty A of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the state treasurer shall assess the members of any mosquito control district for up

to one hundred percent of the amount appropriated in section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine for expenditures on behalf of said district and for the cost of the state reclamation board.

SECTION 189. Notwithstanding any general or special law to the contrary, the office of the secretary of environmental affairs shall reimburse the inland fish and game fund all funds that have been previously assessed for the operations of the office during fiscal year nineteen hundred ninety. Said reimbursement shall not exceed one hundred and thirty-two thousand four hundred and thirty-four dollars and shall be paid on or before January first, nineteen hundred and ninety.

SECTION 190. The Massachusetts rehabilitation commission, in determining areas in which to decrease spending for fiscal year nineteen hundred and ninety, shall not decrease contracted payment for recreational services by more than fourteen percent.

SECTION 191. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety, the commissioner of banks is hereby authorized and directed to assess banks regulated by said division for the operation of said division, including not more than two hundred and twenty-one positions; provided, that the assessments required by this section shall be levied according to section two of chapter one hundred and sixty-seven of the General Laws.

SECTION 192. Notwithstanding the provisions of any general or special law to the contrary, no proceeds from bonds authorized by chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six and no funds from any federal grants or any general or special appropriation shall be expended for the preparation of plans, studies or master plans, including environmental impact reports or cost estimates for design, construction, renovation, acquisition or purchase of land for the design, construction, renovation, acquisition or purchase of land for the purpose of establishing a correctional facility in the town of New Braintree.

SECTION 193. The department of environmental protection, hereinafter called the department, is hereby authorized to perform a study of permit fees. Said study shall examine a fee payment schedule, in addition to any existing fee schedules, for facility inspections, monitoring, and for the processing of applications for permits, licenses, and other approvals, and for other services performed by the department or any division thereof pursuant to sections twenty-six to thirty-four, inclusive, or sections thirty-five to fifty-three, inclusive, of chapter twenty-one; chapter twenty-one C; chapter twenty-one G; section five of chapter twenty-one H, chapter eighty-three; sections two B, two C, seventeen, thirty-one C and thirty-one D sections one hundred and forty-two A to one hundred and forty-two E, inclusive, section one hundred and fifty A, or section one hundred and fifty B of chapter one hundred and eleven; section forty of chapter one hundred and thirty-one; chapter one hundred and forty, or chapter one hundred and sixty-four. Said

study shall include, but not be limited to a sliding fee schedule based on size of the project, impact on the environment, and amount and cost of work required of the department; a stipulation that the fee will be calculated at a specified rate based on anticipated work years of effort for projects of unusually large size or complexity; appropriate exemptions for types of projects or approvals where the fee would represent an undue financial hardship; and a filing fee for requesting an adjudicatory hearing.

The department shall perform said study in consultation with an advisory committee appointed by the commissioner and including without limitation representatives of industrial, small business, and commercial organizations, municipalities, and environmental organizations. The commissioner shall submit to the house and senate committees on ways and means and the joint committee on natural resources and agriculture a copy of said study and any accompanying legislation which would be necessary to implement said study's recommendations within sixty days of the passage of this act.

SECTION 194. Notwithstanding any general or special law to the contrary, the Massachusetts turnpike authority is hereby authorized and directed to reimburse the Highway Fund for all expenses of the department of public works for the removal of snow and ice from the roads and highways of the commonwealth, including the cost of sand, salt, and chemicals for the fiscal year ending June thirtieth, nineteen hundred and ninety and the fiscal year ending June thirtieth, nineteen hundred and ninety-one. The Massachusetts turnpike authority shall dedicate any revenues received from any toll increase effective after December first, nineteen hundred and eighty-nine for this reimbursement obligation; provided, that if the revenues from such toll increases are insufficient to defray the total cost of such reimbursement obligation, said authority is further authorized and directed to pay for such obligation from general revenues.

SECTION 195. Notwithstanding any other provision of law to the contrary, the chief justice of the appeals court, with the prior approval of the house and senate committees on ways and means, may transfer amounts appropriated in chapter two hundred and forty, chapter two hundred and eighty-seven and chapter three hundred and two of the acts of nineteen hundred and eighty-nine for any item of appropriation within the appeals court to other items of appropriation within the appeals court.

SECTION 196. The duties and obligations of the council on the arts and humanities and the Massachusetts arts lottery council are hereby transferred to, and assumed by, the Massachusetts cultural council, hereinafter referred to in this section as the council. All regulations, rulings, guidelines or determinations made by the Massachusetts arts lottery council, the council on the arts and humanities, and local or regional arts lottery councils prior to the effective date of this act shall continue in effect until they are subsequently altered, amended, modified or revoked by the council or local or regional arts lottery council as the case may be,

and the council may establish, and from time to time issue or revise as necessary, such guidelines, rules, rulings or regulations as the council may deem necessary or desirable to interpret or carry out the purposes of sections fifty-two to fifty-eight, inclusive, of chapter ten of the General Laws, as inserted by this act. All duly existing contracts, leases or obligations of any kind of the Massachusetts arts lottery council or the council on the arts and humanities, including obligations under section thirty-six of chapter sixty-nine of the General Laws and section forty-two C of chapter seven of the General Laws shall be the obligation of the council and all such contracts, leases or obligations of a local or regional arts lottery council shall continue to be the obligation of such local or regional arts lottery council, notwithstanding any provision of this act to the contrary.

SECTION 197. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare is hereby authorized and directed to enter into leases for housing units for the purposes of providing temporary shelter for up to ninety days to recipients of emergency assistance. The department of public welfare shall submit a plan for approval by the house and senate committees on ways and means by February first, nineteen hundred and ninety to implement an alternative temporary shelter program using leased housing units. Said plan shall include proposed regulations developed in conjunction with the executive office of communities and development to prevent competition with state and federal rental assistance programs yet limit allowable rents to reasonable levels. Said plan shall also include a detailed analysis of the projected number of participants, the number housed in each unit, their average length of stay, the services provided to them, and the relative costs or savings of said program.

SECTION 198. Notwithstanding the provisions of any general or special law to the contrary, actual capital spending by the Massachusetts bay transportation authority from state funds in fiscal year nineteen hundred and ninety-one shall not exceed three hundred million dollars.

SECTION 199. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts bay transportation authority shall achieve a revenue recovery ratio of income received by the authority, including revenues and receipts from operations, advertising, parking, sale of assets in the ordinary course of business and gifts and grants for current purposes, equal to thirty-three and one-third of the authority's annual operating budget exclusive of debt service and private carrier subsidies.

SECTION 200. The Massachusetts bay transportation authority shall implement the provisions of section seventeen of chapter five hundred and eighty-one of the acts of nineteen hundred and eighty and section two D of chapter two hundred and six of the acts of nineteen hundred and eighty-six.

The general manager of the Massachusetts bay transportation authority shall present a plan to the secretary of administration and finance and to the house and senate committees on ways and means, within sixty days of the passage of this act,

detailing how the authority will implement the provisions of said section seventeen of said chapter five hundred and eighty-one and said section two D of said chapter two hundred and six.

The secretary of administration and finance shall incorporate within the governor's budget proposal for fiscal year nineteen hundred and ninety-one a funding request for the Massachusetts bay transportation authority to implement the provisions of said section seventeen of said chapter five hundred and eighty-one and said section two D of said chapter two hundred and six.

SECTION 201. There is hereby established a general obligation debt restructuring committee, consisting of six members who shall be appointed by the governor; of whom one member shall be a senior manager of a commercial or savings bank with experience in the field of public finance; one of whom shall have expert knowledge of the field of investment of funds; one of whom shall be a chief financial officer of a major Massachusetts' corporation; one of whom shall have expert knowledge in the field of bond insurance; one of whom shall be the chairman of the finance advisory board; and one of whom shall be a member of the Massachusetts' Bar Association with expert knowledge in the field of public financing. The governor shall designate one member as chairman. Members of the committee shall serve without compensation but shall be paid the necessary expenses incurred in the performance of their duties.

It is the responsibility of said committee to review the commonwealth's current debt-financing methods, including but not limited to the authorized but unissued debt being carried by the commonwealth, and to formulate a ten year plan for long-term debt management. In making its determinations, the committee shall consider the cost effectiveness of restructuring bonds and notes of the commonwealth, to which the full faith and credit of the commonwealth is pledged, with innovative revenue bond methods employed in other states and in the private sector. The committee shall also consider the capital needs of the commonwealth and its agencies, the criteria used by rating agencies to evaluate the state's bonds, and other factors necessary in developing restructuring methods.

Notwithstanding the provisions of any general or special law to the contrary, on or before June thirtieth, nineteen hundred and ninety the committee shall file a report with the house and senate committees on ways and means, the secretary of administration and finance, the state treasurer, and the finance advisory board.

SECTION 202. The governor is hereby directed to make further reductions in the amounts authorized to be expended by state agencies. Said reductions shall be not less than thirty million dollars in the aggregate and shall be in addition to those reductions authorized in section two of this act. The governor shall, within thirty days of the effective date of this act, submit a plan to the house and senate ways and means committees which contains the amounts to be reduced by line item and the total amount of said reductions.

SECTION 203. The comptroller is hereby directed to fully utilize any and all

authority which has been granted to the office of the comptroller for the collection of non-tax revenues in order to achieve a total collection of sixty million dollars in fiscal year nineteen hundred and ninety. The comptroller shall report to the house and senate committees on ways and means within sixty days of the effective date of this act on the implementation of section ninety of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine and on the implementation of other authorized measures to collect non-tax revenues.

SECTION 204. The governor is hereby directed to carry out the reorganization of the executive office of energy resources. Said reorganization shall be done in accordance with any applicable provisions of this act and shall be completed on or before February first, nineteen hundred and ninety.

SECTION 205. As a method of providing medical care and assistance to its recipients, the department of public welfare is authorized to establish a health maintenance organization; provided, that said health maintenance organization shall be operated in accordance with applicable federal and state law; and, provided further, that said health maintenance organization shall have all of the rights and duties enumerated in chapter one hundred and seventy-six G of the General Laws and the rights and duties found in section fifty-nine A of chapter six A of the General Laws.

SECTION 206. Notwithstanding the provisions of any general or special law to the contrary there will be established a mechanism of systematic review of the need for and public benefit derived from boards, commissions and councils and agencies.

Unless a different meaning is required by the context or is specifically prescribed, "sunset review" shall have the following meaning: the systematic evaluation of any agency by the committee of the legislature having jurisdiction over the agency, with the assistance of the appropriate departments or agencies of government, the purpose of which shall be to determine whether those objectives which gave rise to the creation of the agency continue to justify its existence and if so to determine the operational level of said agency.

The committee on state administration shall recommend rules and regulations under which sunset reviews will be conducted and such rules shall be adopted pursuant to a joint order of the legislature.

In conducting a sunset review, the legislative committee shall file a report of its findings and any proposed legislation with the clerks of the senate and the house of representatives.

SECTION 207. No person who has been convicted and incarcerated in a house of correction or a state prison facility shall be eligible for or receive any benefits pursuant to chapter one hundred and seventeen of the General Laws during the period that said person is incarcerated.

SECTION 208. The Massachusetts Water Resources Authority, hereinafter referred to as the Authority, shall reimburse the commonwealth for all amounts

outstanding due pursuant to subparagraphs *(b)* and *(c)* of section five of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four. Said amounts are to be repaid and credited on the books of the commonwealth no later than February twenty-eighth, nineteen hundred and ninety. The treasurer shall report, on or before March fifteenth, nineteen hundred and ninety, to the senate and house committees on ways and means the status of all actions taken pursuant to this section.

SECTION 209. In establishing rates of payment under section thirty-two of chapter six A of the General Laws, the rate setting commission shall control rate increases and shall impose such methods and standards as are necessary to ensure efficient and cost-effective delivery of services. Such methods and standards may include, without limitation, the following: peer group cost analyses, ceilings on capital and operating costs, productivity standards, caps or other limitations on the utilization of temporary nursing or other personnel services, use of national or regional indices to measure increases or decreases in reasonable costs, and other means to encourage the cost-efficient delivery of services. Rates produced using any or all of these methods and standards shall be in conformance with Title XIX of the federal Social Security Act, including the upper limit on provider payments.

SECTION 210. Notwithstanding the provisions of any general or special law to the contrary, in setting prospective rates of reimbursement for rest homes, nursing homes and convalescent homes the rate setting commission shall determine and certify such rates to the secretary of state only after a desk audit has been performed by commission staff. If no desk audit has been performed by the date on which the rate is to be proposed to the commission at its business meeting, the rate proposed shall be the rate determined by commission staff less three percent. Such rate shall remain in effect for a period not to exceed ninety days and shall be superseded within such period by a rate reflecting costs as adjusted, if necessary, to reflect desk audit findings.

SECTION 211. Effective March first, nineteen hundred and ninety, the rate setting commission shall establish administrative necessary day payment rates for medical assistance recipients in acute care hospitals. Such rates of payment shall be fair, adequate, and reasonable and shall meet the cost of providing care to administrative necessary day patients. Said administrative necessary day payment shall be the department's full payment obligation for administrative necessary day patients.

SECTION 212. Notwithstanding the provisions of any general or special law to the contrary, in setting prospective rates of reimbursement for rest homes, nursing homes, and convalescent homes the rate setting commission shall eliminate the "look-back" inflation factor, so-called.

SECTION 213. Notwithstanding the provisions of any general or special law to the contrary, in setting prospective rates of reimbursement for rest homes, nursing homes, and convalescent homes, the rate setting commission is hereby

authorized to use the most recent, fully audited base year available.

SECTION 214. The department of public welfare shall establish a pilot managed care project to be implemented by July first, nineteen hundred and ninety, subject to approval of the federal health care financing administration. For the purposes of said pilot project the department shall establish a program of primary and supplemental medical care equivalent to those offered by private health maintenance organizations with an emphasis on preventive health measures. The department shall designate an area of the Commonwealth within which recipients of medical assistance under said chapter 118E shall be required to participate in said pilot project. The department shall establish procedures to grant waivers to individuals who require services not offered by providers in said project. The department shall establish copayments in an amount and manner consistent with the provisions of Title XIX on services rendered to participants by providers with which the department has not negotiated contracts. The department shall submit a report to the house and senate committees on ways and means on or before June thirtieth, nineteen hundred and ninety-one, on said pilot project detailing the quality of care provided, the number and category of recipients, the number of waivers granted, the impact of such copayments, the average cost per case, an analysis of the relative costs or savings, and recommendations for future managed care programs.

SECTION 215. Notwithstanding any general or special law to the contrary, applicants for benefits under the 707 Rental Assistance Program who have been residents of the commonwealth for the previous six months prior to application shall be given priority status over individuals who have lived within the commonwealth for less than six months.

SECTION 216. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare is hereby authorized and directed to establish a plan to transfer all chronic ventilator-dependent patients participating in the medical assistance program from acute care hospitals to chronic care hospitals or skilled nursing homes whenever possible. Said plans shall be filed with the house and senate committees on ways and means no later than April fifteenth, nineteen hundred and ninety.

SECTION 217. The provisions of section seventy-seven A of chapter twenty-three of the acts of nineteen hundred and eighty-eight shall not apply to the provisions of the third paragraph of section fourteen of chapter thirty-two A of the General Laws.

SECTION 218. The provisions of section seventy-seven A of chapter twenty-three of the acts of nineteen hundred and eighty-eight shall not apply to the provisions of the third paragraph of section sixteen of chapter thirty-two B of the General Laws. Notwithstanding the provisions of said third paragraph of section sixteen of chapter thirty-two of the General Laws, the percent contribution to the total monthly premium cost or rate for coverage under said section sixteen for any

employees of any governmental unit where such percent contribution is determined by a collective bargaining agreement as of the effective date of this act shall not be altered until the expiration date of said collective bargaining agreement, unless the parties to said agreement agree otherwise, and in no event shall the provisions of said section sixteen be construed to require any governmental unit to reduce the percent share contributed to such coverage by its employees below the percent share contributed as of the effective date of this section until such time as a different percent contribution is in fact determined by a collective bargaining agreement and such collective bargaining agreement becomes effective.

SECTION 219. The joint committee on human services and elderly affairs is hereby authorized and directed to conduct a study in consultation with the department of correction, the several sheriffs departments of the commonwealth and any other agencies to develop a report regarding an inmate discipline and development program for"youthful offenders" sentenced to incarceration by the courts and so classified by the department of correction. Said programs may include, but shall not be limited to, marching drills, physical training with obstacle courses, calisthenics, dress codes, manual labor assignments, training in decision making and personal development, vocational and academic training, drug and alcohol abuse and problem gambling counseling, and rehabilitation programs, with rules requiring program participation to complete a structured disciplinary program and allowances for restriction on general inmate population privileges.

The stated purpose of the program shall be to divert youthful offenders from long periods of incarceration when shorter, more rigidly structured and rigidly disciplined periods of incarceration could produce the same or better deterrent and rehabilitative effects with a lesser demand on resources.

The study and report shall be completed by the committee within one year of the enactment of this act, or no later than the first Wednesday of December in the year nineteen hundred and ninety, and shall together therewith include recommendations, to include, if needed, legislative recommendations.

SECTION 220. The chancellor of the board of regents shall develop a plan regarding centralization of administration of public colleges and universities. Said plan shall make recommendations for centralization of administrative functions, including but not limited to, payroll, purchasing, accounting and auditing. Said plan shall be filed, within sixty days of the effective date of this act, with the secretary of administration and finance and with the senate and house committees on ways and means and the special commission established by section seven of chapter seventy of the acts of nineteen hundred and eighty-nine. Said plan shall not be implemented until it is approved by vote of the general court and signed into law by the governor.

SECTION 221. The secretary of human services is hereby authorized and directed to conduct a study relative to the feasibility of coordinating and consolidating prisoner transportation activities carried out by the department of

correction and the county sheriffs. Said report shall be filed within sixty days of the effective date of this act with the secretary of administration and finance and with the senate and house committees on ways and means.

SECTION 222. The commissioner of revenue shall conduct a study of the administrative process for the establishment, enforcement and modifications of child support obligations including the establishment of paternity in the commonwealth. The commissioner shall review the manner in which child support obligations are now established, enforced and modified in the commonwealth and shall also review the procedures in use in other states and jurisdictions. The commissioner shall examine administrative procedures for establishing, enforcing and modifying child support obligations in those states with such procedures.

In conducting the study, the commissioner may consult with any person either within or without the commonwealth who is knowledgeable about child support enforcement and the methods of establishing, enforcing and modifying child support obligations. The commissioner shall consult with the chief justice of the trial court of the commonwealth and may consult with any of the following persons: the chief justices of each trial court department with jurisdiction over child support matters and justices of the trial court who have experience with child support and domestic relations matters; members of the general court; the regional administrator of the family support administration of the department of health and human services; the secretary of the executive office of human services and the commissioners of the departments within the secretariat which provide public assistance; directors of child support enforcement programs in other states; the commissioner of probation and probation officers with experience in child support matters; the registers of probate and assistant registers of probate and family court; the clerk-magistrates and assistant clerks of the district, Boston municipal and juvenile courts, district attorneys of the commonwealth; members of the bar of the commonwealth who are experienced in family law and child support matters, including legal services organizations, organized bar associations and professors or instructors of law; and individuals affected by the child support enforcement program, including custodial parents, noncustodial parents and adults who grew up as children of single parents. The commissioner shall report the results of such study, together with the legislative recommendations, if any, to the governor and to the clerks of the house of representatives and the senate by March first, nineteen hundred and ninety.

SECTION 223. There shall be created by appointment of the governor, the president of the senate, and the speaker of the house of representatives, a study commission relative to health care finance and delivery reform for the purpose of developing recommendations relative to establishing a system of hospital and health care financing to succeed the system now in effect pursuant to section twenty of chapter twenty-three of the acts of nineteen hundred and eighty-eight.

Appointments to said commission shall be made as follows: by the governor,

a representative from the administration as well as a representative from each of the following: Blue Cross and Blue Shield of Massachusetts, the Massachusetts Hospital Association, the Massachusetts commercial insurance industry, the Massachusetts health maintenance organization industry, and the Massachusetts business community. The governor shall also appoint a health care consumer and a health economist affiliated with a Massachusetts school of public health.

The president of the senate shall appoint three members of the senate to said commission, provided that no more than two members shall be of the same party. The speaker of the house shall appoint three members of the house of representatives to said commission, provided that no more than two members shall be of the same party.

All appointments shall be made no later than February first, nineteen hundred and ninety.

Said commission shall be charged with examining all options for establishing a comprehensive system of payment for services rendered by hospitals and other health care providers in the commonwealth. Said study shall include, as a minimum, examination of the continuation of hospital rate regulation, of deregulation of the hospital industry, and of the establishment of a single payor system. Based on its charge, said commission shall make recommendations in the form of legislation to the governor and the clerk of the senate and the clerk of the house of representatives for adoption of a system of hospital payment to go into effect immediately upon the expiration of section twenty of chapter twenty-three of the acts of nineteen hundred and eighty-eight. Said recommendations shall be filed with the governor and the clerks of both branches of the legislature no later than January first, nineteen hundred and ninety-one.

SECTION 224. The commissioner of insurance is hereby authorized and directed to conduct a study of the liability insurance costs of the Massachusetts Bay Transportation Authority. Said study shall assess the feasibility of alternative insurance arrangements for said Massachusetts Bay Transportation Authority, including the adoption by said authority of a self-insurance program. Said Massachusetts Bay Transportation Authority shall make available to said commissioner all data necessary to complete said study. Said commissioner shall report to the house of representatives the results of his study, and his recommendations, if any, together with drafts of legislation necessary to carry his recommendations into effect, by filing the same with the clerk of the house of representatives on or before March first, nineteen hundred and ninety, who shall forward the same to the house and senate committees on ways and means.

SECTION 225. The secretary of administration and finance is hereby authorized and directed to develop a plan to reduce the expenditures by agencies of the commonwealth for overtime by ten percent. Said plan shall be filed with the house and senate committees on ways and means on or before February first, nineteen hundred and ninety.

SECTION 226. The executive office of human services, in consultation with the department of education, the board of regents, the executive office of economic affairs, and the executive office of communities and development, shall conduct a study of the costs and benefits of state and local services used by residents of the commonwealth who neither are citizens of the United States nor reside permanently in the United States under color of law. Said study shall include, but shall not be limited to, the following issues: the nature and extent of utilization of such services by residents in the various categories of immigration status; the costs of such services to state and local governments; the employment status of residents utilizing such services; the labor market contributions of such residents; the state and local taxes paid by such residents; the extent to which the provision of such services is required or prohibited by federal statutes and case law; the costs and administrative issues involved in implementing additional inquiries regarding immigration status; and the necessity of measures to combat potential racial discrimination against United States citizens and legal residents which may result from the need to make such inquiries. Said study shall be conducted in compliance with the provisions of chapter sixty-six A of the General Laws. The results of said study, together with any recommendations for further legislation, shall be reported to the clerks of the house and senate and to the house and senate committees on ways and means no later than February twenty-eighth, nineteen hundred and ninety.

SECTION 227. There is established a special commission to consist of a member of the house committee on ways and means, a member of the senate committee on ways and means, the commissioner of administration, or his designee, the commissioner of education, a representative of the Massachusetts Industrial Finance Agency, a representative of the banking community, a representative of the Massachusetts Collectors and Treasurers Association, a representative of the Massachusetts Municipal Association, a representative of the Association of School Committees, a bond counsel, and the state auditor.

Said commission shall make an investigation and study relative to the finance of school projects under chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended, and shall determine methods to minimize financing costs through a study of the plans or structures for issuing debt, including principal amortization, interest rates, premiums, fees or charges for credit or liquidity enhancement facilities or services, and maturity terms; and shall study methods to minimize financing costs through refunding or advance refunding of outstanding debt.

Said committee shall report the results of its investigation and study together with drafts of legislation necessary to carry out its recommendation, if any, by filing the same with the clerk of the house and senate not later than January thirty-first, nineteen hundred and ninety.

SECTION 228. The supreme judicial court is hereby respectfully requested to conduct a thorough study and evaluation of the activities of the committee for

public counsel services and to report the results of such study to the house and senate committees on ways and means and to the joint committee on the judiciary as promptly as possible in order to assist the general court in implementing appropriate statutory and budgetary changes to improve the efficiency, effectiveness, budgetary control and predictability of expenditures of said committee in fiscal year nineteen hundred and ninety-one. The general court seeks information and the recommendations of the court concerning issues which include but are not limited to the following: the reasons for recent increases in the expenditures of said committee for public counsel services and for the difficulties experienced by said committee in anticipating and planning for such increases; the application of the current definition of "indigency" set forth in Rule 3.10 of the Rules of the Supreme Judicial Court for purposes of assigning counsel and the advisability of changing such definition or the procedures for applying it; the cost-effectiveness of the current division of responsibility between the public and private counsel divisions of said committee; the procedures for the payment of compensation to private counsel appointed through the private counsel division of said committee, and the advisability of providing remedies for attorneys aggrieved by the amount of payment and of requiring certification by the justice of the trial court who hears a particular matter of invoices for services of private counsel in that matter; and the possibility of changes in the operations of said committee so as to reduce or better predict the rate of increase in expenditures while ensuring that the right to counsel remains protected.

SECTION 229. The division of local services in the department of revenue is hereby authorized and directed to undertake a study of the revenues produced by the enactment of chapter one hundred and ninety-three of the acts of nineteen hundred and eighty-nine. In particular, the division's study is to determine the amount of revenues produced by said enactment, and to address the question of whether those revenues, in conjunction with other revenues that the counties may receive, are adequate in covering the costs of operating and maintaining the various county correctional facilities throughout the commonwealth. Within ninety days of the effective date of this act, a report of said study shall be submitted to the clerks of the house and senate, who shall refer them to the house and senate committees on ways and means.

SECTION 230. The general manager of the Massachusetts bay transportation authority is hereby authorized and directed to initiate a study of the financing mechanisms of said authority, including a recommendation on possible expansion of the member district to include all those communities currently serviced by the authority, an evaluation of municipal assessments and contributions, and a review of ways to recalculate the assessment formula in the event the member district were to be expanded. Said general manager shall file said study, together with recommendations for legislation, if any, with the house and senate committees on ways and means by April first, nineteen hundred and ninety.

SECTION 231. There is hereby established a special commission to consist of three members of the senate, five members of the house of representatives, either the commissioner of labor and industries or the secretary of the executive office of labor, the secretary of the executive office of economic affairs, the secretary of the executive office of consumer affairs, the commissioner of the department of industrial accidents, the chairman of the rate setting commission, a representative from the American Federation of Labor/Congress of Industrial Organizations (AFL/CIO), a representative from Associated Industries of Massachusetts and a representative from the American Insurance Association. The special commission shall examine the current workers compensation system in Massachusetts, including, but not limited to, an examination of the impact of the system on the commonwealth or any of its political subdivisions, the impact of the system on businesses located in Massachusetts and the current caseload and backlog at the department of industrial accidents.

Said commission shall also examine the management systems in place at the department and whether those systems insure the timely and efficient disposition of cases and the administration and expense of health care in the workers compensation system and whether a system of managed health care would provide better care in a more efficient manner. Said commission shall also examine different management systems and administrative controls which, if implemented, could produce savings in the cost of the workers compensation system to the commonwealth.

Said commission shall file its report together with any recommendations for legislation with the clerks of the house of representatives and the senate on or before April first, nineteen hundred and ninety.

SECTION 232. Notwithstanding any general or special law to the contrary, there shall be a special five member advisory commission on revenue estimates to be established to prepare estimates of total state revenue collections for the fiscal years beginning July first, nineteen hundred and eighty-nine and July first, nineteen hundred and ninety. One member shall be appointed by the governor, one member by the state treasurer, one member by the senate president, one member by the speaker of the house, and one member appointed jointly by the house and senate minority leaders; of whom one member shall be a senior economist of a leading financial services firm; one shall be a senior manager of a econometric modeling firm with experience in the field of taxation; one shall be a professor of public finance; one shall be a senior manager of a bank with experience in the field of public finance and one shall be a senior economist of the Boston Federal Reserve Bank. All members shall be acknowledged experts in the Massachusetts economy. Each member shall be appointed within ten days of the effective date of this act.

The commission shall prepare a report on fiscal year ninety and fiscal year ninety-one tax revenue collection predictions and shall file said report with the house and senate clerks, no later than March fifteenth, nineteen hundred and

ninety. Members of the commission shall serve without compensation but shall be paid their necessary expenses incurred in the performance of their duties.

SECTION 233. The secretary of the executive office of consumer affairs and business regulation, in consultation with the Massachusetts medical society, shall submit to the house and senate committees on ways and means, not later than March first, nineteen hundred and ninety, a plan that provides for the conduct of such chapter thirty A hearings as required under section five of chapter one hundred and twelve before impartial hearing officers from the division of administrative law appeals. Said plan shall include, but not be limited to, consideration of the supervision, training, experience and transfer of personnel and expenditures necessary to implement the plan, the effects of said plan on current and pending chapter thirty A hearings, and the use of such hearing officers for chapter thirty A hearings initiated by the board. The conduct of such chapter thirty A hearings by the division of administrative law appeals shall commence not later than July first, nineteen hundred and ninety.

SECTION 234. The director of the division of environmental law enforcement within the department of fisheries, wildlife and environmental law enforcement is hereby authorized and directed to promulgate rules and regulations to implement section thirty-six of chapter ninety B of the General Laws. Said regulations shall be completed and implemented by the first of May, nineteen hundred and ninety.

SECTION 235. Notwithstanding the provisions of section three hundred and twenty-three D of chapter ninety-four of the General Laws, a portion of amounts collected by the commissioner of revenue pursuant to said section three hundred and twenty-three D, on account of periods specified by this paragraph, shall be deposited in the Clean Environment Fund, established pursuant to section three hundred and twenty-three F of said chapter ninety-four. Said portion shall equal: ten percent in the period beginning January first, nineteen hundred and ninety and ending June thirtieth, nineteen hundred and ninety; twenty percent in the fiscal year beginning July first, nineteen hundred and ninety; forty percent in the fiscal year beginning July first, nineteen hundred and ninety-one; sixty percent in the fiscal year beginning July first, nineteen hundred and ninety-two; eighty percent in the fiscal year beginning July first, nineteen hundred and ninety-three; and one hundred percent in fiscal years beginning on or after July first, nineteen hundred and ninety-four. Amounts not deposited in the Clean Environment Fund shall be deposited in the General Fund.

Prior to the close of any fiscal year beginning on or after July first, nineteen hundred and eighty-nine, the Comptroller and the Secretary of Environmental Affairs shall certify the amount of expenditures made pursuant to paragraphs (a) to (f), inclusive, of said section three hundred and twenty-three F of said chapter ninety-four, and the Comptroller shall charge such expenditures to the Clean Environment Fund.

SECTION 236. The reports required pursuant to section three hundred and

twenty-three B of chapter ninety-four of the General Laws, and payments required pursuant to section three hundred and twenty-three D of said chapter ninety-four, for amounts due to the commonwealth on account of months ending prior to the promulgation of regulations by the commissioner of revenue shall be due on the tenth day of the first month following such promulgation.

For periods ending on or after January first, nineteen hundred and ninety, no further monthly deposits shall be required pursuant to the provisions of paragraph (g) of section three hundred and twenty-three of said chapter ninety-four.

SECTION 237. Each bottler or distributor who is subject to the provisions of paragraph (c), (d) or (e) of section three hundred and twenty-three of chapter ninety-four of the General Laws shall establish a deposit transaction fund pursuant to the provisions of paragraph (h) of said section three hundred and twenty-three of said chapter ninety-four as of January first, nineteen hundred and ninety, and as of said date shall deposit in said account, except as may be provided hereinafter, an amount equal to the total amount of refund values received by said bottler or distributor for non-reusable beverage containers during the preceding three months, which amount may at the bottler's or distributor's option be transferred from the fund maintained by said bottler or distributor pursuant to paragraph (g) of said section three hundred and twenty-three.

The commissioner of revenue shall include in the rules and regulations to be promulgated pursuant to section three hundred and twenty-six of said chapter ninety-four a provision to permit bottlers or distributors to place in the deposit transaction fund as of January first, nineteen hundred and ninety, an amount less than the full amount required by paragraph (h) of section three hundred and twenty-three and to gradually achieve full funding of the deposit transaction fund over a period not to exceed five years.

SECTION 238. The provisions of section forty-six of this act shall apply to excises that remain unpaid or that become due and payable on or after the effective date of this section.

SECTION 239. The provisions of section one hundred and thirty-four and section thirty-one of this act shall take effect as of June thirtieth, nineteen hundred and eighty-nine; provided, that for the purposes of applying the provisions of said section thirty-one to the fiscal year ending June thirtieth, nineteen hundred and eighty-nine, the commonwealth is hereby authorized to charge to the funds of the commonwealth in said year an amount not to exceed forty-two million dollars in addition to funds previously authorized for said purpose.

SECTION 240. Sections one to four, inclusive, of this act shall take effect as of July first, nineteen hundred and eighty-nine.

SECTION 241. Sections fourteen, fifteen, sixteen, one hundred and six and one hundred and ninety-six of this act shall take effect on January first, nineteen hundred and ninety.

SECTION 242. Sections thirty-six, thirty-seven and one hundred fifty-six of this

act shall take effect on July first, nineteen hundred and ninety.

SECTION 243. The provisions of sections forty and forty-one of this act shall apply to property taxes assessed for fiscal years beginning on or after July first, nineteen hundred and ninety.

SECTION 244. Section one hundred and one of this act shall take effect on April first, nineteen hundred and ninety-one.

SECTION 245. The provisions of sections forty-three, forty-four, forty-five, forty-seven, forty-eight, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-two, sixty-three, and ninety-five of this act shall take effect on January first, nineteen hundred and ninety for the registration year starting January first, nineteen hundred and ninety-one.

SECTION 246. The remaining sections of this act, except as otherwise provided, shall take effect upon its passage.

SECTION 2. Items Disapproved:

0321-0100	4400-1009
0321-2000	4512-0103
0330-0100	4512-0200
0411-1000	4513-1000
1000-0001	4800-0015
1103-5010	7010-0005
1108-1000	9000-0100
1108-1002	9000-0101
1108-1003	9000-1801
3722-9006	9081-7006

Sections 21, 32, 100, 106, 132, 133, 153, 154, 155, 163, 164, 182, 189, 190, 192, 194,

SECTION 2. Item reduced in amount and by *striking* the wording:

Item	Reduced to	Reduced by	Wording Stricken
4110-2040	5,357,632	52,000	provided that no less than fifty-two thousand dollars be expended for the radio reading program, so called, for western Massachusetts,

SECTION 2. Wording Stricken

Item	Wording Stricken
4170-0012	provided that two of said outreach centers shall be closed as of July first, nineteen hundred and ninety
8400-0001	provided further, that the registrar shall file with the clerks of the house and senate a plan to close certain registry offices, and no reduction in the amounts otherwise available to or closing of any registry office shall take effect until such plan shall have been approved by the general court, provided further that said plan shall be deemed to have been approved unless it shall have been disapproved by resolution of the house and senate within thirty days of the date on which it is filed with said clerks, provided further that no such plan need be filed and no such approval shall be required for any reduction in the amounts available to or any closing of the offices located at 100 Nashua street in the city of Boston

The remainder of the bill was approved by the governor on January 4, 1990

Chapter 654. **AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE CITY OF SPRINGFIELD.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-three of the General Laws or the first sentence of section thirty-nine of chapter thirty-one of the General Laws or of any other general or special law or rule to the contrary, if permanent employees of the fire force of the city of Springfield serving in any position in a title above the lowest title on such force are to be separated from such positions because of lack of money or the abolition of such positions, they shall be separated from such positions according to their seniority in such title after permanent promotion in such force and shall be reinstated to such positions held by them according to such seniority; provided, however, that this section shall apply only to reductions in force resulting in demotions from titles above the lowest title on such force and shall not affect the seniority of any employee in service for any other purpose, including but not limited to, the separation of permanent employees from service on such force.

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

Approved January 6, 1990.

Chapter 655. **AN ACT AUTHORIZING THE DEVELOPMENT OF A MASSACHUSETTS' EDUCATIONAL FINANCING PROGRAM.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 15C of the General Laws is hereby amended by striking out section 1, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 1. It is declared that for the benefit of the people of the commonwealth, the increase of their commerce, welfare and prosperity and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual capacity and skills. It is declared further that the people of the commonwealth have a direct interest in promoting the education of its citizens and in maintaining and strengthening its system of higher education and that such actions are likely to result in a higher standard of living and higher levels of employment for citizens of the commonwealth. It is recognized that costs connected with undergraduate and graduate higher education are increasingly burdensome and that it is essential

that students attending institutions for higher education in the commonwealth and residents of the commonwealth attending institutions for higher education outside the commonwealth, as well as parents and others responsible for paying the costs thereof, be provided with lower cost financial assistance and with convenient and effective savings programs in order to provide for such costs. It is also recognized that educational institutions for higher education within the commonwealth should be provided with appropriate additional means to provide financial assistance to qualified students and to parents and others responsible for paying the costs of education. It is also recognized that, in order to achieve these objectives, it is desirable for the commonwealth to make such financial assistance and savings programs available on a reciprocal basis to students in and residents of other states. Accordingly, it is the purpose of this chapter and the policy of the commonwealth to provide financial assistance, including loans and savings programs, for the benefit of residents of and students in the commonwealth, their parents and others responsible for the costs of their education and alternative methods to enable institutions for higher education in the commonwealth to assist qualified students, and to make such benefits available on a reciprocal basis to students and institutions in and residents of other states, all to the public benefit and good, to the extent and in the manner provided herein.

SECTION 2. Said chapter 15C is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. This chapter may be referred to and cited as the"Massachusetts Educational Financing Authority Act".

SECTION 3. Said chapter 15C, as so appearing, is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. As used in this chapter, the following words shall, unless the context otherwise requires, have the following meanings:-

"Authority", the Educational Financing Authority established by section four.

"Authority loans", loans made by the Authority to other parties from the proceeds of its bonds or from other sources for the purpose of funding education loans.

"Bonds" or "revenue bonds", revenue bonds or notes of the Authority issued under the provisions of this chapter, including refunding bonds or notes.

"Bond resolution", the resolution or resolutions of the Authority and the trust agreement or trust agreements, if any, authorizing the issuance of and providing for the terms and conditions applicable to bonds.

"Borrower", a student or any person who has received or agreed to pay an education loan on behalf of a student.

"Commonwealth bonds", any evidence of general obligation indebtedness issued by the commonwealth.

"Default insurance", insurance, letters of credit, standby credit agreements, take-out commitments, agreements or other forms of credit insuring against default

or guaranteeing timely payment with respect to education loans, Authority loans or bonds.

"Default reserve fund", a fund established pursuant to a bond resolution for the purpose of securing education loans, Authority loans or bonds.

"Education loan", a loan to a borrower to finance or refinance a student's attendance at an institution for higher education made by or on behalf of such an institution or by a financial institution, which loan is made from or in anticipation of an Authority loan or is purchased by the Authority, or such a loan made directly by the Authority.

"Education loan series portfolio", all education loans made by or on behalf of a specific institution for higher education or participations therein by the Authority and one or more financial institutions which are funded in whole or in part from the proceeds of an Authority loan to such institution out of the proceeds of a related specific bond issue through the Authority.

"Financial index", a number or percentage compiled or reported periodically by an independent party used to indicate change in cost, price or other magnitude at a specified time, or a rate of interest charged by a particular lender or type of lender from time to time for loans of a particular kind.

"Loan funding deposit", monies or other property deposited by or on behalf of an institution for higher education with the Authority or its bond trustee or other agent for the purpose of (i) providing security for bonds, (ii) funding a default reserve fund, (iii) acquiring default insurance, or (iv) defraying costs of the Authority, such monies or properties to be in such amounts as deemed necessary by the Authority as a condition for such institution's participation in the Authority's programs.

"Institution for higher education", a nonprofit degree-granting educational institution within the commonwealth, whether public or private, authorized by law to provide a program of education beyond the secondary school level or any like institution located in a state other than the commonwealth if, in the judgment of the Authority, participation of institutions in such state in one or more programs of the Authority will be beneficial to citizens of the commonwealth and if, to the Authority's satisfaction, such state has agreed to provide reciprocal opportunities to institutions located in the commonwealth.

"Participating institution for higher education", an institution for higher education which, pursuant to the provisions of this chapter, undertakes or agrees to participate in an education loan program or a savings program of the Authority as provided in this chapter.

"Parent", any parent, legal guardian or sponsor of a student at an institution for higher education.

"Savings program", a program approved and administered by the Authority designed to facilitate and encourage savings by or on behalf of students, future students, and parents for the purpose of paying for the costs of attendance at

institutions of higher education.

"Tuition agreement", a contractual arrangement between the Authority and an institution of higher education fixing all or a portion of the direct cost of attendance at such institution in one or more future years at a specified amount subject to adjustment in accordance with one or more financial indices.

SECTION 4. Section 4 of said chapter 15C, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) There is hereby established a body politic and corporate to be known as the Massachusetts Educational Financing Authority, herein called the Authority. The Authority is constituted a public instrumentality and the exercise by the Authority of the powers granted by this chapter shall be deemed and held to be the performance of an essential public function. The Authority shall consist of nine members who shall be residents of the commonwealth, not more than five of whom shall be members of the same political party. Seven members shall be appointed by the governor. At least four of the members shall be trustees, directors, officers or employees of public or private institutions for higher education in the commonwealth. At least three of the members shall be persons having a favorable reputation for skill, knowledge and experience in the fields of state and municipal finance, banking, law or investment advice or management. The other two members of the Authority shall be the secretary for economic affairs ex officio and the commissioner of administration ex officio, or their designees. The members of the Authority first appointed shall serve for terms expiring on July first in the years nineteen hundred and eighty-three, nineteen hundred and eighty-four, nineteen hundred and eighty-five, nineteen hundred and eighty-six, nineteen hundred and eighty-seven, and nineteen hundred and eighty-eight, respectively, the term of each such member to be designated by the governor. The term of each ex officio member shall be concurrent with his of her tenure in that office. Upon the expiration of the term of any originally appointed member his successor shall be appointed for a term of six years. The governor shall fill any vacancy for the remainder of the unexpired term. Any member of the Authority may be removed by the g ernor for misfeasance, malfeasance or wilful neglect of duty or other cause aft notice and a public hearing unless such notice and hearing shall be expressly waived in writing. Members of the Authority may serve for successive terms of office.

SECTION 5. Paragraph (d) of said section 4 of said chapter 15C, as so appearing, hereby amended by striking out, in line 51, the word "Four" and inserting in lace thereof the word:- Five.

SECTION 6. Section 5 of said chapter 15C, as so appearing, is hereby amended by striking out, in line 3, the words "for this purpose" and inserting in place thereof the words:- to provide students and parents with convenient and effective savings programs, and for these purposes.

SECTION 7. Said section 5 of said chapter 15C, as so appearing, is hereby further amended by inserting after paragraph (f) the following paragraph:-

(f 1/2) to develop and administer one or more savings programs and to enter into tuition agreements on behalf of itself, the commonwealth, students, parents or any other private parties, all in cooperation with such other public and private parties and in accordance with such criteria or guidelines as the Authority shall deem appropriate to effectuate the purposes of this chapter. To the extent practicable, such savings program or programs shall provide students or parents an opportunity to participate conveniently and shall enable them to set aside relatively small amounts of money at a time and shall incorporate or be available in conjunction with, directly or indirectly, tuition agreements from as many institutions of higher education as feasible. To the extent practicable, and subject to the approval of the state treasurer, at least one such savings program shall include a college opportunity program, as described in section five A. In connection with any savings program or tuition agreement the Authority may accept and hold funds of students, parents, institutions of higher education or others, establish special accounts for such purposes and invest such funds in such manner as is authorized for Authority funds under section eighteen.

SECTION 8. Said section 5 of said chapter 15C, as so appearing, is hereby further amended by striking out paragraph (g) and inserting in place thereof the following paragraph:-

(g) to establish rules and regulations with respect to Authority loans, educational loans, savings programs and tuition agreements.

SECTION 9. Paragraph (h) of said section 5 of said chapter 15C, as so appearing, is hereby amended by inserting after the word "program", in line 43, the words:- or savings program.

SECTION 10. Said chapter 15C, as so appearing, is hereby further amended by inserting after section 5 the following two sections:-

Section 5A. The Authority shall, subject to paragraph (f 1/2) of section five, establish a college opportunity program, which shall, to the extent feasible, include the following elements:-

(a) In cooperation with the state treasurer, the Authority shall make available commonwealth bonds, including bonds in small denominations or units of participation in commonwealth bonds, for purchase on behalf of named beneficiaries who are anticipated to use the payments on said bonds to provide for costs of attendance at institutions of higher education. Said bonds or units of participation, either or both of which shall be referred to for purposes of this section as college opportunity bonds, shall bear interest at a variable rate determined by reference to a financial index reflecting inflation in costs of attendance at such institutions. No payments of interest or principal on said bonds shall be made except upon maturity or earlier redemption. Said bonds shall be made available with varied and flexible redemption and maturity dates, as required to accommodate the

savings requirements for beneficiaries who intend to use the principal and interest on said bonds to provide for costs of higher education. The Authority shall make the arrangements necessary to enable purchasers of college opportunity bonds to make purchases by convenient means, including but not limited to the use of payroll savings plans or other recurrent payments of relatively small amounts. Purchasers of college opportunity bonds may be required to pay fees or to buy said bonds at a premium to cover all or part of the costs of issuance, of administration of the college opportunity program, and of the cost to the commonwealth of associated financial arrangements to limit or control the commonwealth's interest costs for college opportunity bonds.

(b) The Authority shall enter into tuition agreements with public and private institutions of higher education to ensure that tuitions charged to college opportunity bond beneficiaries do not rise at a rate greater than the return on college opportunity bonds. Under such agreements, such institutions will agree, as a condition of being accepted as participating institutions in the college opportunity program, that the tuition charged to a student who pays for said tuition with the proceeds from principal and interest payments from college opportunity bonds will not increase over the tuition at the time of original issuance and sale of said bonds at a rate greater than the interest rate on said bonds and to such other terms as the Authority may require.

(c) The Authority shall, in consultation with the state treasurer, establish rules and regulations for the redemption of college opportunity bonds. Such rules shall provide that such bonds, when redeemed for use in meeting costs of the named beneficiary's higher education at a participating institution or for purchase of additional college opportunity bonds, shall be redeemed for the full value provided for pursuant to paragraph (a). Such rules shall further provide for one or more penalties that reduce such redemption value when college opportunity bonds are redeemed for use in meeting costs of the named beneficiary's higher education at an institution other than a participating institution or when they are redeemed for use for other purposes. Such rules shall further allow for the substitution, in appropriate circumstances, of a sibling or other close relative in place of the named beneficiary, for the purposes of the restrictions imposed by this paragraph and may allow for early redemption in cases of extreme hardship.

(d) The Authority shall study, and shall consult with the state treasurer and the secretary of administration and finance concerning, the practicability and the desirability of the commonwealth entering into financial arrangements, pursuant to section thirty-eight C of chapter twenty-nine, to limit or control the potential costs to the commonwealth of meeting its interest obligations on college opportunity bonds.

(e) The Authority shall investigate the possibility of, and, if feasible, shall negotiate, reciprocal agreements with other governmental entities offering similar college savings plans. Such agreements shall be designed to allow named

beneficiaries of college opportunity bonds to use such bonds for educational costs, and to receive the benefits of tuition agreements, at the widest possible range of institutions of higher education, and to allow institutions of higher education in the commonwealth to receive the benefits of participation in college savings programs established by other governmental entities.

Section 5B. For the purposes of implementing and administering savings programs, pursuant to paragraph (f 1/2) of section five, the Authority shall have, in addition to all other powers and duties provided by this chapter, the following additional powers and duties:

(a) To create and supervise a marketing and distribution system for bonds or other units of participation in savings programs, either or both of which shall be referred to for purposes of this section as "units", and to establish proper books of record and account to record the identity of the purchasers and the named beneficiaries, the amounts payable as principal and interest, the receipts and expenses of the Authority with respect to the program and other matters necessary to the administration of the program.

(b) To establish minimum and maximum unit amounts with respect to the savings programs, procedures for the crediting of interest accrued with respect to the units, procedures with respect to payment of the balance due on the final maturity date of a unit or otherwise, procedures with respect to the determinations of eligible beneficiaries, and procedures to accommodate the acquisition of units through payroll savings plans and other similar programs.

(c) To employ financial, marketing, legal and other consultants and advisors for the purpose of consulting with the Authority on the implementation and ongoing administration of the savings programs and to enter into contracts and agreements necessary in connection therewith.

(d) To provide for the terms and conditions of participation in savings programs by participating institutions and to prescribe the form of, from time to time, and to execute such contracts and agreements with the participating institutions as shall be appropriate to reflect such terms and conditions.

(e) To enter into one or more contracts and agreements for marketing, distribution and administration services in connection with savings programs.

(f) To obtain by purchase, lease or license such equipment and facilities, including computer software and hardware, and to employ staff necessary or convenient to carry out the savings programs.

(g) To establish a schedule of fees and charges, including premiums in connection with the sale of units of savings, sufficient to provide for the estimated costs of the program incurred by the Authority.

(h) To take such further actions and establish such further procedures as shall be appropriate to carry out the purposes of the savings programs.

SECTION 11. Section 7 of said chapter 15C, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "loans", in line 6, the words:-

tuition agreements.

SECTION 12. Section 14 of said chapter 15C, as so appearing, is hereby amended by inserting after the word "notes", in line 2, the words:- , in connection with any savings program.

SECTION 13. Section 14A of said chapter 15C, as so appearing, is hereby amended by striking out, in line 5, the words "the education loan" and inserting in place thereof the word:- any.

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

Section 14B. The Authority shall establish, in such form as it deems appropriate, a college opportunity fund, hereinafter referred to as the fund, to which shall be credited all state appropriations and other monies made available to the fund and all income earned on amounts in the fund. Monies in the fund, together with earnings thereon, may be used solely for the purpose of developing, promoting, administering or supporting savings programs and tuition agreements established under this chapter. Monies therein may be held in custody by one or more banks or trust companies having a principal place of business in the commonwealth or may be invested in the manner set forth in section eighteen, as the Authority shall determine. The Authority may pledge all or a portion of the monies or investments which are to be deposited in the fund, or any income therefrom, in furtherance of the purpose for which such fund is created. Such pledge shall be valid and binding as against all parties having claims of any kind against such fund from the time such pledge is made, irrespective of whether such parties have notice thereof.

SECTION 15. Section 18 of said chapter 15C, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 49, the word "and (viii)" and inserting in place thereof the following:- , (viii)- and by inserting after the word "dollars", in line 52, the following:- , and (ix) in any other manner specifically approved for the purpose of the particular investment by resolution of the Authority.

SECTION 16. Section 21 of said chapter 15C, as so appearing, is hereby amended by inserting after the word "loans", in line 3, the words:- , enter into tuition agreements, participate in savings programs.

SECTION 17. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out in lines 14 to 16, inclusive, the definition of "Bonds".

SECTION 18. Said chapter 29, as so appearing, is hereby further amended by inserting after section 38B the following section:-

Section 38C. In connection with or incidental to the acquisition or carrying of any investment or program of investment or carrying of bonds or notes, the state treasurer, after consultation with the finance advisory board, may enter into such contracts as he may determine to be necessary or appropriate to place the investment or obligation of the commonwealth, as represented by the bonds or

notes, investment or program of investment and the contract or contracts, in whole or in part, on such interest rate or cash flow basis as he may desire, including without limitation interest rate swap agreements, insurance agreements, forward payment conversion agreements, futures, contracts, contracts providing for payments based on levels of, or changes in, interest rates or stock or other indices, contracts to exchange cash flows or a series of payments and contracts to hedge payment, rate, spread or similar exposure, including without limitation interest rate floors or caps, options, puts and calls. Such contracts shall contain such payment, security, default, remedy and other terms and conditions as the state treasurer, after consultation with the finance advisory board, may deem appropriate and shall be entered into with such party or parties as the state treasurer, after consultation with the finance advisory board, may select, after giving due consideration, where applicable, for the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate.

SECTION 19. The second paragraph of section 49 of said chapter 29, as so appearing, is hereby amended by inserting after the word "rates", in line 68, the words:- , including rates variable from time to time according to an index, banker's loan rate or otherwise,.

SECTION 20. Said section 49 of said chapter 29, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

Registered bonds may be uncertificated. Books shall be maintained by or on behalf of the state treasurer specifying the persons entitled to uncertificated bonds, and the rights represented thereby shall be registered upon such books. A true copy of the official actions of the commonwealth relating to such bonds shall be kept by or on behalf of the state treasurer, a copy of which, verified to be such by an authorized officer, shall be admissible before any court of record, administrative body or arbitration panel without further authentication.

SECTION 21. Said section 49 of said chapter 29, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following two paragraphs:-

Bonds or notes of the commonwealth may be sold at par, premium or discount and may be sold as instruments the principal amount of which either remains constant or increases during the life of the instrument. Whenever bonds or notes are issued under a statute to which the provisions of this paragraph apply, the amount issued shall be deemed to be the net proceeds of the issue, less any premium. The provisions of this paragraph shall apply to any bonds or notes issued after January first, nineteen hundred and eighty-eight unless the act authorizing such issue expressly states that the provisions of this paragraph shall not apply.

In connection with the issuance of bonds and notes of the commonwealth which are intended to qualify for tax exemption under the Internal Revenue Code of 1986, and to induce the purchase of such bonds and notes, the state treasurer

may covenant on behalf of the commonwealth with the purchasers or with the holders from time to time of such bonds or notes or with a trustee or trustees for the benefit of such holders with respect to compliance with the requirements of said Internal Revenue Code relative to such tax exemption, including without limitation compliance with provisions relating to the use of proceeds by private parties, the investment of proceeds and the payment of rebate, so-called, to the federal government. Any such covenant may appear on the bonds or notes or may be included in a separate contract or trust indenture, a copy of which shall be available for public inspection at the office of the state treasurer. Any right of a holder of a bond or note in respect of any such covenant may be enforced as a claim against the commonwealth.

SECTION 22. Said chapter 29, as so appearing, is hereby further amended by inserting after section 49B the following section:-

Section 49C. (a) In issuing bonds of the commonwealth, pursuant to the provisions of law applicable thereto, the state treasurer is authorized, pursuant to the conditions set forth in this section, to set aside and issue portions of said bonds in such form as shall be appropriate for the purposes of the college opportunity program, as defined in section five A of chapter fifteen C, or for the purposes of such other college savings programs as may be established pursuant to paragraph (f 1/2) of section five of said chapter fifteen C.

(b) Before issuing any bonds in a fiscal year for the use of a college savings program, the state treasurer shall prepare a report establishing the maximum amount of bonds to be issued in that year for use of such programs. Said report, and any subsequent amendment thereto which revises said maximum amount, shall include the state treasurer's reasons for determining that it is prudent for the commonwealth to authorize use of such bonds to the stated extent, in light of the anticipated future interest and principal payments on such bonds, as compared to the anticipated interest and principal payments on commonwealth bonds not issued in connection with such programs, and in light of available financial arrangements to limit or control the commonwealth's potential costs of meeting its obligations on such bonds, and in light of such other considerations as the state treasurer shall deem relevant. The state treasurer shall file copies of said report, and of any amendments thereto, with the Educational Financing Authority, the secretary of administration and finance, and the house and senate ways and means committees.

(c) For the purposes of issuing bonds to support college savings programs, the state treasurer shall have, in addition to his other powers and duties, the following additional powers and duties:

(i) To employ financial, marketing, legal and other consultants and advisors for the purpose of consulting with the commonwealth on the implementation and ongoing administration of the savings programs and to enter into contracts and agreements necessary in connection therewith.

(ii) To enter into appropriate agreements or arrangements with banks or other financial institutions or with other departments or agencies of the commonwealth or other public entities to provide protection for the commonwealth from risks associated with the variable interest rate on such bonds, and to provide liquidity for purchasers of such bonds in the event of extraordinary circumstances which require them to have access to their capital, including but not limited to interest rate swap agreements, interest rate caps, liquidity facilities, futures agreements, letters of credit and similar arrangements, including provisions regarding the custody of commonwealth funds and the maintenance of collateral and other security for the commonwealth's obligations thereunder.

(iii) To establish procedures to ensure that interest on such bonds is and remains excludable from the gross income of the owners thereof for federal income tax purposes.

(iv) To establish a schedule of fees and charges, including premiums in connection with the sale of such bonds, sufficient to provide for the estimated costs of the program incurred by the commonwealth, including the costs of any agreements or arrangements entered into pursuant to paragraph (ii) and reasonable amounts to allow the commonwealth to self-insure against possible variations in interest rates on such bonds; provided that the difference in anticipated future interest and principal payments on such bonds as compared to the anticipated interest and principal payments on commonwealth bonds not issued in connection with such programs shall not exceed five million dollars per year. Any such fees or charges shall be received by the state treasurer impressed with a trust on behalf of the participants in such college savings programs and shall be deposited in a separate fund. The amounts in said fund, including any income earned on amounts therein, shall be expended by the state treasurer, without appropriation, solely for the commonwealth's cost of operating such college savings programs, including without limitation the costs of agreements or arrangements entered into pursuant to paragraph (ii) and the costs of self-insuring against variations in interest rates on such bonds.

(v) To take such further actions and establish such further procedures as shall be appropriate to carry out the purposes of the savings programs.

(d) All bonds, or units of participation therein, issued pursuant to this section shall be subject to the following provisions:

(i) Any payment received by a purchaser of such bonds or units of participation in accordance with the provisions of this section and chapter fifteen C and the interest or other income earned in connection therewith shall be exempt from all taxation by the commonwealth and any of its political subdivisions, including income, commonwealth, transfer, inheritance, death and personal property taxes.

(ii) The bonds and units of participation are hereby made securities in which administrators, guardians, executors, trustees, fiduciaries, and others authorized to invest in bonds of the commonwealth may properly and legally invest funds and

shall be exempt from qualification and registration under the securities laws of the commonwealth.

(iii) The commonwealth hereby covenants and agrees to take all steps reasonably necessary to provide that interest on said bonds and units of participation whenever paid or accrued shall be excluded from the gross income of any person having an interest therein under the Internal Revenue Code of 1986 as amended from time to time.

(e) The provisions of section fifty-three shall not apply to the sale of any bonds issued in connection with college savings programs.

SECTION 23. Said chapter 29 is hereby further amended by striking out section 52, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 52. Any premium received on the sale of notes shall be applied to the costs of issuance thereof and other financing costs related thereto or, without appropriation, to the payment of the principal of such notes, and any premium received on the sale of bonds shall be applied to the costs of issuance thereof and other financing costs related thereto or, without appropriation, to the payment of the principal of or sinking fund installments with respect to such bonds.

SECTION 24. The additional member to be appointed by the governor to the Educational Financing Authority, pursuant to section four of this act shall serve for a term expiring on July first, nineteen hundred and ninety-four.

Approved January 6, 1990.

Chapter 656. AN ACT RELATIVE TO REORGANIZATION OF THE FINANCIAL MANAGEMENT STRUCTURE OF THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Springfield is hereby authorized to capitalize certain sums, the amortization amount, resulting from extraordinary costs in the areas of public safety training programs and contributory group health insurance. The city of Springfield is hereby authorized to fund the amortization amount over a period starting with fiscal year nineteen hundred and ninety and not exceeding five years. The amortization amount, for the purposes of this act, shall be that amount, determined by the city of Springfield and certified by the commissioner of revenue, which is the sum of: the expenses incurred by the city of Springfield between January first, nineteen hundred and eighty-eight and June thirtieth, nineteen hundred and eighty-nine for public safety training programs, and those sums expended by the city of Springfield during fiscal year nineteen hundred and eighty-

nine on contributory group health insurance in excess of the original appropriation therefore for said fiscal year; provided, however, that in no event shall the amortization amount exceed nine million dollars.

Notwithstanding the provisions of any general or special law or ordinance to the contrary, but fully subject to the provisions and limitations of section twenty-one C of chapter fifty-nine of the General Laws, the assessors of the city of Springfield may, subject to the approval of the commissioner of revenue, deduct, for fiscal year nineteen hundred and ninety, an amount not greater than eighty percent of the amortization amount from the amount to be assessed pursuant to section twenty-three of chapter fifty-nine of the General Laws. Under the conditions imposed herein, the assessors of the city of Springfield may similarly deduct: for fiscal year nineteen hundred and ninety-one, an amount not greater than sixty percent of the amortization amount; for fiscal year nineteen hundred and ninety-two, an amount not greater than forty percent of the amortization amount, and for fiscal year nineteen hundred and ninety-three, an amount not greater than twenty percent of the amortization amount from the amount to be assessed for that fiscal year pursuant to section twenty-three of chapter fifty-nine of the General Laws.

Except as is expressly provided for herein, this act shall not authorize or permit any alteration in the maintenance of said city's accounts nor in the procedures whereby the assessors annually determine the amount of taxes to be assessed.

Such deductions as are herein authorized for the fiscal years nineteen hundred and ninety through nineteen hundred and ninety-three shall be permissible only to the extent that the commissioner of revenue annually determines and approves in each of those fiscal years that such deduction is necessary and appropriate to maintaining fiscal stability in the city of Springfield. The commissioner of revenue is further authorized, as a condition of his annual approval as provided for herein, to require that the city of Springfield submit for said commissioner's review a copy of the proposed annual budget document as well as any supplemental appropriation orders as may from time to time be made. The commissioner may further require that the city of Springfield incorporate in such annual budget document and supplemental appropriation orders such specific expenditure, revenue or other financial information as he deems reasonable or useful to ensure a balanced annual budget and promote fiscal stability in the city of Springfield. The failure of the city of Springfield to comply with such requirements shall, without otherwise limiting the commissioner's general authority to withhold approval for such deductions, be sufficient grounds for denying such deductions.

SECTION 2. Notwithstanding the provisions of any general or special law or local ordinance to the contrary, there shall be in the city of Springfield a department of finance which shall be responsible for the overall budgetary and financial administration of the city of Springfield. Said department of finance shall be under the charge and control of a chief financial officer who shall be appointed by the

mayor for a term of three years. The chief financial officer shall report to and be under the direction of the mayor. Subsequent to the effective date of this act and upon the appointment as herein provided of a chief financial officer, the joint position of auditor-budget director in the city of Springfield shall hereby be abolished; provided, however, that the amount of the existing salary appropriation for the auditor-budget director's position shall remain in effect to provide benefits for vested sick leave and vacation earned by the incumbent in said position prior to the effective date of this act. The calculation of the said incumbent's length of service under the retirement law shall include the aforesaid periods of vested sick leave and vacation.

The chief financial officer shall be a person especially suited by education, training and experience to perform the duties of the office.

The chief financial officer shall not at any time assume the duties or responsibilities of the city auditor or city collector/treasurer, nor shall he or the city auditor or the city collector/treasurer hold any elective office or engage in any other business or occupation.

The chief financial officer shall recommend, and from the name or names so recommended, the mayor may appoint the members of the board of assessors, a collector/treasurer and a director of data processing for a term of three years, and the aforementioned appointees shall have such powers and duties as may be vested in their respective offices expressly by general or special law, which powers or duties shall not be limited or altered by this act, together with such powers not inconsistent with this act which may be vested in those offices by ordinance, but shall otherwise report to and be under the direction of the chief financial officer and the mayor on matters relating to the financial operation of the city.

Notwithstanding the provisions of this act, all incumbents in the positions of collector/treasurer, board of assessors and director of data processing shall continue to serve in such capacity after the effective date of this act, provided, however, that the mayor may remove such incumbents at any time, and without cause upon written notice.

The mayor shall appoint, subject to the approval of the city council, a city auditor for a term of three years.

The powers and duties of the chief financial officer shall include the following: coordination, administration, and supervision of all financial services and activities; assistance in all matters related to municipal financial affairs; implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the school department, or boards, commissions, agencies or other units of city government the operations of which have a financial impact upon the general fund of the city, and including but not limited to maintenance of all financial and accounting data and records; implementation and maintenance of uniform financial data processing capabilities for all departments; supervision of all financial data processing activities; implementation and mainte-

nance of uniform budget guidelines and procedures; assistance in development and preparation of all department budgets and spending plans; review of all proposed contracts and obligations with a term in excess of one year; monitoring of the expenditure of all funds, including periodic reporting by and to appropriate agencies of the status of accounts; review of the spending plan for each department; and the allotment of funds on a periodic basis as provided for herein. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure, and preserve the financial interests of the city.

All department budgets and requests for budget transfers shall be submitted to the chief financial officer for review and recommendation prior to submission to the mayor, city council or school committee, as appropriate.

For each and every proposed appropriation order, and with respect to any proposed city council vote necessary to effectuate a financial transfer, ordinance revision, or special legislation which may require the expenditure of funds or otherwise financially obligate the city for a period in excess of one year, or with respect to a vote to authorize a borrowing pursuant to a provision of law other than sections four, six or six A of chapter forty-four of the General Laws, the chief financial officer shall, if it be the case, submit in writing to the mayor and city council a certification that it is his professional opinion, after an evaluation of all pertinent financial information reasonably available, that the city's financial resources and revenues are and will continue to be adequate to support such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services. If the chief financial officer fails to provide a certification as aforementioned within seven days of a request for such certification from the city council or mayor, such appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, provided that the absence of the certification of the chief financial officer is expressly noted in such order or vote.

The members of the board of assessors, the chief financial officer, collector/treasurer and director of data processing shall be subject to removal by the mayor or the chief financial officer with the approval of the mayor. The mayor may make such acting appointments for the positions of chief financial officer, city auditor, collector/treasurer, board of assessors and director of data processing as may be required for the continued operation of government for periods of ninety days, not to exceed a total of one year.

SECTION 3. The city auditor of the city of Springfield shall have such powers and duties as may be vested in his office by general or special law, and in addition thereto, such powers and duties as are provided for herein. To the extent not otherwise inconsistent herewith, the office of the city auditor shall also have such powers and duties as are provided for by ordinance.

The city auditor shall, in addition to his other duties, provide upon majority vote

and at the written request of the city council, within a reasonable time period from such request, an oral or written assessment, or both, as the city council may request, of the current and future financial impact of the cost of any proposed appropriation order, lease arrangement for a term in excess of one year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, such assessment shall include such analysis or other information of a financial nature as is specifically requested by vote of the city council. Such assessment and analysis shall be provided by the auditor as his professional opinion and he shall not be obligated to represent the position of the mayor or the chief financial officer.

The city council by majority vote may request such assessment, analysis or other financial information, without otherwise limiting its general authority to request such, at any time it receives formal or informal notice of: *(i)* an expenditure which is or may be in excess of an appropriation; *(ii)* a condition where an allotment is or may be exceeded; *(iii)* a certification of the chief financial officer as provided for in section two; or *(iv)* any actions with respect to temporary or permanent indebtedness.

The city auditor shall be subject to removal by the mayor with the approval of the city council, by majority vote.

SECTION 4. Notwithstanding the provisions of any general or special law or ordinance to the contrary, on the effective date of this act or within ninety days thereafter, all city financial activities shall be consolidated and transferred to the appropriate department as determined by the chief financial officer with the approval of the mayor. For purposes of this act, the phrase financial activity shall mean all duties, responsibilities, tasks, jobs, or employment positions within or assigned to any city department, board, commission, agency or other unit of city government, including the school department, which substantially involve one or more of the following: accounting, auditing, billing, borrowing or leasing, budgeting, collecting, data processing, payroll and payments. The chief financial officer shall, from time to time, further review and reevaluate the financial activities of the city of Springfield, and from time to time make, with the approval of the mayor, such additional consolidations or transfers of financial activities as appropriate to promote the fiscal stability of the city of Springfield; provided, however, that no consolidations or transfers of financial activities or professional positions of the office of the city auditor shall become effective unless and until approved by the mayor and the city council.

To the extent that personnel performing financial activities as defined herein devote all or a substantial portion of their employment activities to matters related primarily to a particular department, board, commission, agency or other unit of city government, and such personnel are not paid from, or their employment expenses not charged to, the appropriation of such department, board, commis-

sion, agency or other unit of city government, the chief financial officer is authorized and shall devise a reasonable "charge-back" system so as to provide for the recovery from the appropriation of such department, board, commission, agency or other unit of city government the full employment expenses of the aforementioned personnel.

SECTION 5. For purposes of this act the phrase personnel activity or personnel activities shall mean all duties, responsibilities, tasks or jobs which involve one or more of the following: civil service; personnel administration and employee communication; employee assistance; employee relations; job analysis; medical and life insurance; personnel research, performance standards, policy formulation and control; records and reports; salary administration; separations; safety administration; staffing; training and development; unemployment compensation; and workmen's compensation. All city employees who perform any personnel activity including but not limited to the school department's personnel director, supervisor of personnel and any other positions that are non-instructional, shall on the effective date of this act or within ninety days thereafter be transferred to the personnel department of the city and be assigned to such locations as deemed appropriate by the city's personnel director upon the approval of the mayor.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, on or before August first of each year, or within ten days after the approval by the city council and the mayor of the annual budget for such fiscal year, whichever shall occur later, the persons or officers in charge of all city departments, including the superintendent of schools for the school department, or boards, commissions, agencies or other units of city government, the operations of which have a financial impact upon the general fund of the city, shall submit to the chief financial officer and the city auditor, with a copy to the city clerk who shall transmit the same to the city council, in such form as the city auditor may prescribe, an allotment schedule of its appropriations for all personnel expenditure categories included in said budget, indicating the amounts to be expended by the department, board, commission, agency or other unit of city government for such purposes during each of the following five allotment periods: July first through September thirtieth, October first through December thirty-first, and January first through the last day of February, March first through April thirtieth, and May first through June thirtieth.

Whenever the chief financial officer or the city auditor determines that any department, board, commission, agency or other unit of city government, including the school department, will exhaust or has exhausted its time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to such effect to the department head or other officer in charge thereof, the mayor, the city solicitor, the chief financial officer or city auditor as appropriate, and to the city clerk who shall forthwith transmit the same to the city council. Upon such a determination and notice thereof, the chief financial officer shall provide to the

foregoing officials additional reports on at least a monthly basis indicating the status of such accounts.

The mayor, within ten days after receiving such notice, shall determine whether to waive such allotment. A determination that such allotment shall be waived shall not become effective unless and until the chief financial officer files with the mayor and city clerk a certificate that in his opinion sufficient financial resources are or will become available to accommodate the amount of the expenditures in excess of allotment within subsequent period allotments to such department, board, commission, agency or other unit of city government. If the allotment for such period is waived, the department, board, commission, agency or other unit of city government shall reduce subsequent periods' allotments by the amounts necessary to keep its expenditures within its annual budget, and shall file a report of such allotment adjustments with the mayor, city council, chief financial officer and city auditor. If the allotment for such period is not waived, the department, board, commission, agency or other unit of city government shall terminate all personnel expenditures necessary to meet allotted amounts for the remainder of such period; provided, however, that to the extent that personnel expenditures must be reduced pursuant to the foregoing for one or more allotment periods, no provision included herein shall be construed to abridge the rights of the city or its municipal employees including school department employees to negotiate the method of implementing the required reductions, within twenty-one days of the mayor's determination not to waive such allotment, pursuant to a collective bargaining agreement under the provisions of chapter one hundred and fifty E of the General Laws. All actions, notices and decisions provided for in this section shall be transmitted to the city clerk and city council within seven days.

No personnel expenses earned or accrued within any department, board, commission, agency or other unit of city government shall be charged to or paid from any allotment of a subsequent period without the written approval of the mayor, except for subsequently determined retroactive compensation adjustments, or in the case of an emergency involving the health or safety of the people or their property.

Approval of a payroll for payment of wages, salaries or other personnel expenses which would result in an expenditure in excess of the allotment, except in the case of an emergency involving the health or safety of the people or their property, shall be a violation of this section by the person or officer in charge of the department, board, commission, agency or other unit of city government, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department, board, commission, agency or other unit of city government, has exhausted the period allotment or allotments as specified above, or in any event, has exceeded its entire appropriation for a fiscal year, the city shall have no obligation to pay such personnel costs or expenses arising after such allotment or

appropriation has been exhausted, except in the case of an emergency involving the health or safety of the people or their property.

Notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, every collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to and shall expressly incorporate the provisions of this section.

Where a supplemental appropriation which authorizes and provides for additional personnel expenditures is approved during the course of and with respect to the current fiscal year and prior to the first day of April of that fiscal year, the subsequent period allotments shall be revised and supplemented so as to include the additional personnel expenditures authorized by such supplemental appropriation.

For purposes of this act the word "emergency" shall mean a major disaster, including but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an immediate threat to the health or safety of persons or property.

SECTION 7. Notwithstanding any general or special law to the contrary, the city of Springfield shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be denominated the "supplemental reserve fund to ensure fiscal stability". Such fund shall be separate and in addition to any amounts appropriated pursuant to the provisions of section five A of chapter forty of the General Laws.

Prior to the date when the tax rate for fiscal year nineteen hundred and ninety is fixed, the board of assessors shall include in the amounts to be raised pursuant to section twenty-three of chapter fifty-nine of the General Laws for such fiscal year a sum equal to one percent of the gross amount to be raised for fiscal year nineteen hundred and eighty-nine for the general operating fund as appearing on the city's tax rate recapitulation for said year, such amount to be certified to the board of assessors by the city auditor. This amount shall be allocated to the special reserve fund provided for hereby for fiscal year nineteen hundred and ninety and may be expended for the purposes and in the manner hereinafter provided, and the expenditure in whole or in part of such fund in fiscal year nineteen hundred and ninety shall not result in any penalties or adjustments with respect to the required level of subsequent years' special reserve funds.

Prior to the date when the tax rate for any fiscal year subsequent to fiscal year nineteen hundred and ninety is fixed, the board of assessors shall include in the amounts to be raised pursuant to section twenty-three of chapter fifty-nine of the General Laws for such fiscal year a sum equal to one and one-quarter percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation for said prior fiscal year, and such sum shall be allocated to the special reserve fund of the then current fiscal year, provided however, that the amount required to be raised for such reserve fund in any such fiscal year may be

reduced by the amount, if any, remaining in the reserve fund established for the preceding fiscal year after all expenditures have been made therefrom as hereinafter authorized, and such remaining amount shall be retained in the special reserve fund provided for the then current fiscal year.

Expenditures may be made from the special reserve fund of any fiscal year for extraordinary or unforeseen purposes by the mayor with the approval of the city council, provided, however, that each expenditure request by the mayor shall be accompanied by a written statement detailing the amount and reason for the expenditure.

If in any fiscal year subsequent to fiscal year nineteen hundred and ninety, the special reserve fund as provided for herein is depleted by expenditures in excess of fifty percent of the amount required to be allocated to such fund for such fiscal year, which amount shall include any penalty adjustments as provided for hereinafter, or if the city incurs deficits with respect to such fiscal year in excess of fifty percent of the aforementioned amount, the special reserve fund requirement for the succeeding fiscal year shall be increased by one-quarter of one percent, which percentage increase shall be of a permanent nature and be fully effective with respect to the special reserve fund requirements of all succeeding fiscal years, except as provided for hereinafter. In no event, however, may the special reserve fund requirement for any fiscal year exceed five percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year. The amounts required by this act to be raised for the special reserve fund for each fiscal year shall be certified to the board of assessors by the city auditor prior to the establishment of the tax rate for the then current fiscal year.

Notwithstanding the foregoing, the mayor, with the approval of the commissioner of revenue, may for any fiscal year, reduce the amount otherwise required to be raised for the special reserve fund of such fiscal year by one-quarter of one percent, which percentage decrease shall be of a permanent nature and be fully effective with respect to the special reserve fund requirements of all succeeding fiscal years.

SECTION 8. No official of the city of Springfield, except in the case of an emergency involving the health or safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of such official's departmental appropriation duly made in accordance with law, nor commit the city to any obligation for the future payment of money in excess of such appropriations.

Any official who intentionally violates the provisions of this section shall be personally liable to the city for any amounts expended in excess of an appropriation to the extent that the city does not recover such amounts from the person or persons to whom such sums were paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such relief as the court may find

appropriate to prevent further violations of this section. Any official who violates the provisions of this section shall be subject to removal.

For purposes of this act the word "official" shall mean a city department head, permanent, temporary or acting including the superintendent of schools and all municipal boards, committees and commissions which recommend, authorize or approve the expenditure of funds. However the word "official" shall not be construed to mean the city council, mayor or school committee.

SECTION 9. The provisions of this act shall be deemed to supersede any ordinance which is contrary or inconsistent with the provisions of this act.

SECTION 10. This act shall take effect upon its passage, except that the provisions of section six as to allotments shall be in effect only with respect to allotment periods ending forty-five days or more after the effective date of this act; and an allotment schedule must be submitted as provided within fifteen days of the appointment of a chief financial officer.

SECTION 11. The city shall conduct a study to determine the most appropriate manner in which the civic center and municipal hospital should be operated and the most cost effective relationship with the Springfield library and museums association.

Notwithstanding the provisions of any general or special law or ordinance to the contrary, the water commission shall establish rates for water which shall include, at least, an amount adequate to cover: *(i)* an appropriate rate for the sale of water as determined by the water commission in its sole discretion; plus *(ii)* any current and past operating deficits; *(iii)* establishment of a sufficient capital and operating reserve fund; and *(iv)* reimbursement of the city's general fund for all direct and indirect administrative costs incurred by the city relative to the water department. The water department shall annually pay to the collector/treasurer a sufficient amount to cover the costs specified in clauses *(ii)* and *(iv)* which money shall be put into the general fund of the city.

Notwithstanding the provisions of any general or special law to the contrary, the city council shall establish rates for waste water treatment which shall consist of the following: *(i)* an appropriate sewer use fee which may establish different rates for all classes of users including residential, commercial, institutional, industrial, governmental, charitable, and non-profit or such other classes as may be recommended by the director of the department of public works and which shall include charges for septage disposal; sewer cleaning; sewer construction and repair; and appropriate surcharges for BOD concentration, suspended solids concentration, fat, oil and grease concentration and related substances as recommended by the public works director; plus *(ii)* any current and past operating deficits; *(iii)* establishment of a sufficient capital and operating reserve fund; and *(iv)* reimbursement of the city's general fund for all direct and indirect administrative costs incurred by the city relative to the waste water treatment plant. The department of public works shall annually pay to the collector/treasurer a sufficient

amount to cover the costs specified in clauses *(ii)* and *(iv)* which money shall be put into the general fund of the city.

Notwithstanding the foregoing, nothing in this act shall be construed to limit the authority of the city to pay a judgment duly entered by a court of competent jurisdiction or to limit the city solicitor's authority to settle pending cases as permitted by law.

Approved January 8, 1990.

Chapter 657. AN ACT RELATIVE TO THE JOINT UNDERWRITING ASSOCIATION FOR LIQUOR LIABILITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the Joint Underwriting Association for Liquor Liability, 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 223 of the acts of 1985 is hereby amended by striking out section 13, as amended by section 4 of chapter 614 of the acts of 1987, and inserting in place thereof the following section:-

Section 13. Section one to twelve, inclusive, of this act shall expire on December thirty-first, nineteen hundred and ninety.

Approved January 8, 1990.

Chapter 658. AN ACT AUTHORIZING THE CLERK OF THE BROCKTON DISTRICT COURT TO ADJUST HIS BOOKS ON ACCOUNT OF CLERICAL ERRORS.

Be it enacted, etc., as follows:

The clerk of the district court of Brockton is hereby authorized to deduct from his cashbook, receipts of monies due to the commonwealth in the sum of three thousand, four hundred and eighty-four dollars and thirty-seven cents.

Approved January 8, 1990.

Chapter 659. AN ACT ESTABLISHING LIENS ON PAINTINGS, PHOTOGRAPHS AND OTHER PERSONAL PROPERTY FOR WORK PERFORMED ON SUCH PROPERTY.

Be it enacted, etc., as follows:

Chapter 255 of the General Laws is hereby amended by inserting after section 31E the following section:-

Section 31F. Any person engaged in performing work upon any painting, photograph or other piece of personal property for a price shall have a lien upon such painting, photograph or other piece of personal property for the amount of any account that may be due for such work; provided, however, that he gives to the person delivering to him such painting, photograph or other piece of personal property a receipt for the same having printed thereon in clear legible type the following:

"These items are receipted pursuant to the provisions of sections thirty-one B and thirty-one F of chapter two hundred and fifty-five of the General Laws and must be claimed within one year of such receipt or such items may then be subject to sale".

The place of business or person performing such work shall post this section in a clear and conspicuous manner so that it may be easily read by the public and a copy thereof shall be made available upon request to any person delivering a painting, photograph or other piece of personal property. The lien described in this section shall include the value or agreed price, if any, of all materials furnished by the lienor in connection with such work, whether added to such article or otherwise. If any such account remains unpaid for one year after the completion of the work, the lienor may give thirty days' notice in writing to the owner specifying the amount due and informing him that failure to make payment of such amount within said thirty days shall entitle the lienor to sell the article covered by such lien, at public or bona fide private sale to satisfy the account. Such notice may be served by mail, directed to the owner's last known address or, if the owner or his address be unknown, it may be posted in two public places in the town where any such property is located. The proceeds of the sale, after paying the expenses thereof, shall be applied in satisfaction of the indebtedness secured by such lien. The balance of the proceeds, if any, shall be paid over to the owner. The remedy herein provided to enforce such lien shall be in addition to any other provided by law.

Approved January 8, 1990.

Chapter 660. **AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO USE CERTAIN PARK LAND FOR AFFORDABLE HOUSING.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter seven hundred and fifty-nine of the acts of nineteen hundred and seventy-nine, the city of Pittsfield is hereby authorized to utilize a certain parcel of land, previously conveyed by the department of mental health to the city of Pittsfield pursuant to section one of said chapter seven hundred and fifty-nine, for the purpose of developing affordable residential housing. Said parcel is shown as a parcel of 10.582 acres on a plan of land entitled "Survey of Land in Pittsfield, Mass. prepared for the City of Pittsfield" prepared by Dennis C. Drumm & Associates, dated June 14, 1989 which is on file in the office of the Pittsfield Redevelopment Authority.

SECTION 2. Section 3 of chapter 759 of the acts of 1979 is hereby amended by inserting after the word "park", in line 2, the words:- , affordable housing.

Approved January 8, 1990.

Chapter 661. **AN ACT DESIGNATING SQUARE DANCING THE OFFICIAL FOLK DANCE OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding after section 31, added by chapter 445 of the acts of 1989, the following section:-

Section 32. Square Dancing shall be the official folk dance of the commonwealth.

Approved January 8, 1990.

Chapter 662. **AN ACT ESTABLISHING A BOARD OF SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF BECKET.**

Be it enacted, etc., as follows:

SECTION 1. Upon acceptance of this act by the town of Becket, as hereinafter provided, the town shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or that body of law which constitutes the town charter under Section 9 of Article

LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

SECTION 2. Following the acceptance of this act as hereinafter provided, the voters of the town of Becket shall, in accordance with any applicable general or special law or bylaw or vote of the town, continue to elect the following:

(a) Moderator

(b) Board of selectmen

(c) Representatives to the central Berkshire regional school district committee

(d) Town clerk

(e) Board of health

(f) Cemetery commissioners

(g) Planning board members

(h) Treasurer

(i) Collector

(j) Finance board members

(k) Auditor

(l) Constables

The acceptance of this act shall not affect the term of office of any such elected official or elected member of such board, committee or authority. Every other elective office, board, committee or commission of the town shall become appointive as hereinafter provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired and until the appointment and qualification of his successor. The powers, duties and responsibilities of elected officials shall be as now or hereinafter provided by applicable provisions of any general law or special law or by-law or vote of the town, except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to this administrator for consultation, conference and discussion on matters relating to their respective offices.

SECTION 3. The board of selectmen shall consist of three members elected by the voters of the town. At each annual election one selectman shall be elected each year for a term of three years.

SECTION 4. The board of selectmen shall appoint the members of multi-member boards, committees and commissions except those appointed by the town administrator as provided herein.

SECTION 5. The selectmen elected as provided herein shall appoint, as soon as practicable, for a three year term, a town administrator who shall be especially fitted by education, training and experience to perform the duties of said office. The town administrator shall be appointed without regard to his political affiliation

and beliefs. He shall be a citizen of the United States and need not be a resident of the town or the commonwealth when appointed, but shall become a resident of the town during the first year of his appointment unless otherwise provided by the board of selectmen. He shall possess at least a bachelor's degree and shall have had three years of full-time paid experience in a supervisory administrative position. A masters degree may substitute for not more than two years of such paid experience. No person holding elective office in the town shall, within three years of holding such office, be eligible for an appointment as town administrator. The town administrator may be appointed for successive terms of office. Before entering upon the duties of his office, he shall be sworn, in the presence of a majority of the selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such sureties as may be fixed or approved by the board of selectmen, the cost of which shall be borne by the town.

SECTION 6. Any person appointed by the town administrator to any town office under the provisions of this act or any general or special law shall be eligible during the term of said office to be appointed to any other town office. The town administrator, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which he is authorized to fill by appointment.

SECTION 7. Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen. Pending the appointment of a town administrator or the filling of any vacancy, said board of selectmen shall, within seven days, appoint a suitable person to perform the duties of the office.

SECTION 8. The town administrator may designate, subject to the approval of the board of selectmen, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the administrator to make such designation, said board of selectmen may, by resolution, designate an officer of the town to perform the duties of the administrator until he shall return or his disability shall cease.

SECTION 9. The board of selectmen, by a two-thirds vote may remove the town administrator. At least thirty days before such proposed removal shall become effective, said board of selectmen shall file a written preliminary resolution of removal with the town clerk setting forth in detail the specific reasons for the proposed removal, a copy of said resolution shall be delivered to said town administrator. The administrator may, within ten days of service of such resolution reply in writing to the resolution and may request a public hearing. Service shall be deemed to have been accomplished by leaving a copy of such resolution at said administrator's last known abode. If said administrator so requests, said board of selectmen shall hold a public hearing not earlier than twenty nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise

at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, said board of selectmen, by a two-thirds vote of the full membership of said board, may adopt a final resolution of removal. In the preliminary resolution, said board of selectmen may suspend said administrator from duty but shall in any case, cause his salary to be paid during the period of consideration of the preliminary resolution and until the vote on the final resolution.

SECTION 10. The town administrator shall receive such compensation for his services as the board of selectmen shall determine but it shall not exceed the amount appropriated therefor by the town.

SECTION 11. The town administrator with the approval of the board of selectmen shall appoint all other town officials whose appointment or election is not specifically provided for herein. Said town administrator shall appoint with majority approval of said board of selectmen, and may remove with the majority approval of said board of selectmen, subject to the provisions of chapter thirty-one of the General Laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other elected agencies and appointments made by representatives of the commonwealth. Appointments to permanent positions made by said town administrator shall become effective on the fifteenth day following the day notice of appointment is filed with said board of selectmen, unless said board of selectmen shall, within that period, by a majority vote of the full board, vote to reject any such appointment.

SECTION 12. In addition to the specific powers and duties provided in this act, the town administrator shall have the general powers and duties enumerated in this section as follows:

(a) The town administrator shall supervise and be responsible for the efficient administration of all departments, commissions, boards and offices, except the board of selectmen; provided, however, that said town administrator shall not exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.

(b) Said town administrator, with the approval of the board of selectmen and in accordance with the provisions of this act and the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and may transfer the powers and duties of one department, commission, board or office to another.

(c) Except as otherwise provided by this act, said town administrator shall appoint upon merit and fitness alone and, subject to the provisions of chapter thirty-one of the General Laws where applicable, may remove all officers and employees of the town; provided, however, that town officers and employees not subject to the provisions of said chapter thirty-one shall not be removed by him

except on ten days notice, in writing, setting forth the cause of such removal.

(d) Said town administrator shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered.

(e) Said town administrator shall keep full and complete records of his office and shall render, as often as may be required by the board of selectmen, a full report of all operations during the period reported on.

(f) Said town administrator shall keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.

(g) Said town administrator shall have jurisdiction over the rental and use of all town property and shall be responsible for the maintenance and repair of all town buildings. He shall be responsible for the preparation of plans and the supervision of construction, reconstruction, alterations, improvements and other undertakings authorized by the town unless otherwise assigned by the town meeting.

(h) Said town administrator shall be responsible for the purchase of all supplies and materials and equipment, except books and other media for the library, and shall approve the award of all contracts for all departments of the town. He shall make purchases for departments not under his supervision only upon and in accordance with requisitions duly signed by the heads of such departments.

(i) Said town administrator shall administer either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws and votes of the town and all regulations established by the board of selectmen.

(j) Said town administrator shall, with the approval of the board of selectmen, have authority to prosecute, defend or compromise all litigation to which the town is party and shall be the executive officer of a public employer in the town as defined in section one of chapter two hundred and fifty-eight of the General Laws pertaining to the processing of claims against the town.

(k) Said town administrator shall be the agent of the board of selectmen for collective bargaining and may employ special counsel to assist him in the performance of these duties.

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

(m) Said town administrator shall be responsible for the implementation of town meeting votes and shall report annually in writing to the town meeting on the status of prior town meeting votes on which implementation is not complete.

(n) Said town administrator shall be accessible and available for consultation to chairmen of boards, committees and commissions of the town, whether appointed or elected, and shall make accessible and available to them all data and records of his office as may be requested in connection with their official duties.

(o) Said town administrator shall perform such other duties consistent with his

office as may be required of him by the by-laws of the town or by the vote of the board of selectmen or town meeting.

SECTION 13. The town administrator may without notice cause the affairs of any division or department under his supervision or the job related conduct of any officer or employee thereof to be examined. Said town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties.

SECTION 14. The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town treasurer in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws shall be submitted to said town administrator. The approval of any such warrant by said town administrator shall be sufficient authority to authorize payment by the town treasurer but the board of selectmen shall approve all warrants in the event of a vacancy in the office of town administrator.

SECTION 15. At least ninety days prior to the annual town meeting, the town administrator shall submit to the board of selectmen a detailed estimate, in writing, of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the preceding year and an estimate of the expenditures for the current year. Further, he shall submit a statement showing all revenues received by the town in the preceding fiscal year together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise said amount. For the purpose of enabling the town administrator to make up the annual estimates of expenditures, all boards, officers and committees of the town shall, at least one hundred and twenty days prior to the annual town meeting, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

SECTION 16. The board of selectmen shall consider the tentative budget submitted by the town administrator and make such recommendations relative thereto as it deems expedient and proper in the interests of the town. On or before the seventy-fifth day prior to the annual town meeting, the board of selectmen shall transmit a copy of the budget, together with their recommendations relative thereto, to each member of the finance committee.

SECTION 17. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of

Becket on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively. All other laws, by-laws, votes, rules and regulations so far as they refer to said town of Becket, are hereby suspended but such suspension shall not revive any pre-existing enactment.

SECTION 18. No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation except that, upon revocation, any contract made by the town with the town administrator then in office shall be terminated immediately upon such vote.

SECTION 19. Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with this act for the performance of said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit his pay grade or time in service. Each such person shall be retained in a capacity as similar to his former capacity as is practical.

SECTION 20. This act shall be submitted for acceptance to the voters of the town of Becket at the annual town meeting to be held in the year nineteen hundred and ninety in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting:- "Shall an act passed by the General Court in the year nineteen hundred and eighty-nine, entitled 'An Act establishing a board of selectmen-administrator form of government in the town of Becket', be accepted?" If the majority of votes cast in answer to said question is in the affirmative, said act shall take effect but not otherwise. If this act is not accepted in the year nineteen hundred and ninety by the voters of the town at said town meeting, it shall again be submitted at the annual town meeting in the year nineteen hundred and ninety-one and, if accepted, shall take full effect but not otherwise.

Approved January 8, 1990.

Chapter 663. AN ACT AMENDING THE COMMITMENT PROCEDURES OF THE DEPARTMENT OF SOCIAL SERVICES.

Be it enacted, etc., as follows:

Chapter 119 of the General Laws is hereby amended by striking out section 29B, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 29B. Within eighteen months of the original commitment, grant of

custody or transfer of responsibility of a child to the department by a court of competent jurisdiction and periodically thereafter while the child remains in the care of the department, the committing court shall reconvene, in accordance with rules established by the chief administrative judge of the trial court, to determine the future status of the child, including but not limited to whether or not it is in the child's best interests to be returned to the parents; to be continued in substitute care for a specified period, after which the child is to be returned to the parents or guardian; to be placed in another permanent placement; to be placed for adoption; to have a guardian, other than the department, or its agent appointed; or, because of the child's special needs or circumstances, to be continued in substitute care on a permanent or long term basis in a specific placement.

Upon making its determination, the court may make any appropriate order as may conduce to the child's best interests including, but not limited to, orders with respect to the child's care or custody. All such orders shall indicate: whether reasonable efforts were made, prior to the placement of a child in foster care to prevent or eliminate the need for removal of the child from his home; and, whether reasonable efforts were made, after the placement of a child in foster care, to make it possible for the child to return to his home.

A child, parent, guardian or the department may appeal to the appeals court from the determination or order of the trial court. The claim of appeal shall be filed in the office of the clerk or register of the trial court within ten days following the courts determination or order. Thereafter, said appeal shall be governed by the Massachusetts rules of appellate procedure. The scope of appellate review shall be limited to abuse of judicial discretion.

Approved January 8, 1990.

Chapter 664. **AN ACT RELATIVE TO THE CONFINEMENT OF PERSONS AWAITING TRIAL.**

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 125 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

The department shall maintain at the Massachusetts Correctional Institution, Framingham, a separate awaiting trial unit for females, to which female prisoners held for trial in accordance with section forty-two of chapter two hundred and seventy-six, may be transferred by the sheriff upon approval of the commissioner of correction if suitable facilities are not available in the county jail of the court of jurisdiction.

SECTION 2. Chapter 276 of the General Laws is hereby amended by striking out section 42, as so appearing, and inserting in place thereof the following

section:-

Section 42. If it appears that a crime has been committed and that there is probable cause to believe the prisoner guilty, the court or justice shall, if final jurisdiction is not exercised, admit the prisoner to bail, if the crime is bailable and sufficient bail is offered; otherwise, except as provided for in section sixteen of chapter one hundred and twenty-five, such prisoner shall be committed to jail for trial.

Approved January 8, 1990.

Chapter 665. AN ACT FURTHER REGULATING THE VETERANS SERVICES APPEALS PROCESS.

Be it enacted, etc., as follows:

SECTION 1. The twelfth paragraph of clause Forty-third of section 7 of chapter 4 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out paragraph (c) and re-lettering paragraphs (d), (e), and (f) as (c), (d), and (e), respectively.

SECTION 2. Section 2 of chapter 115 of the General Laws is hereby amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:-

The commissioner shall decide all controversies between towns relative to the residence of applicants for veterans' benefits and, subject to the approval of the attorney general, his decisions shall be final. He shall decide any controversies between any applicant and a veterans' agent or part-time veterans' agent relative to the validity or amount of a claim for such benefits. Any claimant veterans' agent or part-time veterans' agent aggrieved by a decision of the commissioner shall have a right to appeal the decision, after due notice, to the division of administrative law appeals established within the executive office of administration and finance pursuant to section four H of chapter seven, hereinafter in this section referred to as "the division". Any person aggrieved by a decision of the commissioner or by the failure of a city or town to render adequate veterans' benefits or to approve or reject an application for veterans' benefits within forty-five days of receiving such application, or aggrieved by the withdrawal of such benefits, shall also have a right, after due notice, to appeal to the division. A hearing on such appeal held pursuant to this paragraph shall be conducted at a location convenient to the person appealing and shall be conducted as an adjudicatory proceeding under chapter thirty A. The division shall issue its decision within ninety days after the day of the filing of the appeal, except that when an aggrieved person appeals the rejection of his application for veterans' benefits or the failure to act on said application or the failure of a city or town to render assistance to meet an emergency or hardship

situation, the division shall render and issue its decision within forty-five days after the date of filing of said appeal. Further review of such decision may be had by any party upon application made to the governor and council within ten days afterhis receipt of notice of the decision. Whether or not an application for further review is made to the governor and council, the decision of the division, or the decision of the governor and council, if an application for further review is made, shall be subject to judicial review in accordance with the provisions of chapter thirty A. The time for commencing such an action for judicial review shall run from the receipt of notice of the decision of the division, or, in the event that an application for further review is made to the governor and council, from the receipt of notice of the decision of the governor and council. In such an action for judicial review, the record shall consist of (a) the entire proceedings before the division of administrative law appeals and, if applicable, the governor and council, or (b) such portions thereof as the commissioner and the parties may stipulate, or (c) a statement of the case agreed to by the commissioner and the parties.

Approved January 8, 1990.

Chapter 666. **AN ACT AUTHORIZING A PILOT PROJECT IN THE DEPARTMENT OF PERSONNEL ADMINISTRATION.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the personnel administrator is hereby authorized to administer a pilot project to determine if alternative methods of certification for employment in the service of the commonwealth are feasible or desirable. Said pilot project shall be developed in accordance with basic merit principles as defined in section one of chapter thirty-one of the General Laws; provided, however, that, except as specifically provided herein, said pilot project shall be administered in accordance with the provisions of said chapter thirty-one. The pilot project shall be based on the eligible list established pursuant to the civil service examination administered April sixteenth, nineteen hundred and eighty-eight for the titles of Accountant I; Accountant II; Accountant III; Accountant IV; Accountant V; Accountant, Bureau of Accounts, D.O.R. I; Accountant, Bureau of Accounts, D.O.R. II; Accountant, Bureau of Accounts, D.O.R. III; Accountant, Bureau of Accounts, D.O.R. IV; Accountant, Bureau of Accounts, D.O.R. V; Auditor I; Auditor II; Auditor III; Auditor IV; Budget Examiner I; Budget Examiner II; Budget Examiner III; Institution Treasurer I and Institution Treasurer II, each of which has been determined by the labor relations commission to bargain collectively with unit one or six.

All appointments pursuant to said pilot project shall be made only after a certification of names of the individuals determined by the said personnel

administrator to be eligible for appointment to positions in the pilot project titles listed above; provided, however, that each certification shall be issued in accordance with so much of the provisions of section twenty-six of said chapter thirty-one that allows a preference for disabled veterans and for veterans in competitive examinations with the provisions of sections forty-seven and forty-seven A of said chapter thirty-one that allow a preference for mentally retarded or disadvantaged persons, with the provisions of section twenty-six of chapter seven hundred and sixty-seven of the acts of nineteen hundred and eighty-one, with so much of the provisions of federal law that allows a preference for persons for whom it has been determined that there is a past practice of discrimination on the basis of race, color, sex or national origin and with the provisions of any federal court order or consent decree amending the issuance of certifications. When certifying names of eligible candidates for appointment to a position pursuant to said pilot project, the personnel administrator, after a determination that the nature of the essential functions and duties of the specific position mandates special qualifications in addition to those tested and measured by the multiple-choice test battery, may certify first the names of eligible candidates who have proven they possess such additional qualifications. For the purposes of said pilot project, the personnel administrator shall certify the names of eligible candidates in the following order according to their scores: (1) candidates who are civil service employees in the department as of the date of such examination; (2) candidates who have been provisionally appointed in accordance with the provisions of said chapter thirty-one to a position in the department for at least one year prior to the date of such examination; and (3), all other candidates. For the purpose of certifying names of persons eligible for appointment in accordance with the provisions of said pilot project, when an appointing authority requests the names of individuals to be considered for appointment and the number of appointments actually to be made is n, the appointing authority may select from the first 2n + 1 candidates named in the certification who are willing to accept the appointment; provided, however, that if an appointing authority makes an appointment of any qualified person other than the qualified person willing to accept the appointment whose name appears highest, the appointing authority shall submit a written statement of his reasons for appointing the person whose name was not highest. All appointments from such certification shall be effective only when such statement of reasons has been received and approved by the personnel administrator.

No provision of this act shall be deemed to limit the appeal rights of civil service employees or applicants under the provisions of said chapter thirty-one nor shall it affect the seniority rights of any permanent civil service employee. Nothing in this act shall be deemed to relieve the personnel administrator or any appointing authority of responsibilities under said chapter thirty-one or any other general or special law, except as specifically provided herein.

The personnel administrator shall report to the general court the results of the

pilot project and his recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the house of representatives and the senate on or before December thirty-first, nineteen hundred and ninety.

Approved January 8, 1990.

Chapter 667. AN ACT FURTHER REGULATING MEDICAL MALPRACTICE INSURANCE PREMIUMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175A of the General Laws is hereby amended by inserting after section 5B the following section:-

Section 5C. (a)(1) The medical malpractice joint underwriting association established under the provisions of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five or any other insurer subject to the provisions of section five A of this chapter is hereby authorized to establish an experience review plan for all physicians insured by it. Such experience review plan shall be administered by an experience review committee established by said association or such insurer. Said experience review committee (i) shall consist of an even number of standing voting members, not to be less than six; (ii) shall include physicians licensed to practice in the commonwealth as one-half of the standing voting members; and (iii) shall include as physician members only physicians appointed by the association from a list of nominees provided by the Massachusetts Medical Society, which nominees shall not all be members of said Massachusetts Medical Society. An experience review committee established by an insurer shall consist of an even number of standing voting members, not to be less than six, at least half of whom shall be physicians licensed to practice in the commonwealth and the remaining standing voting members of such experience review committee shall be appointed by the association or insurer as its representatives. An additional representative of the association or insurer may sit as a member of the committee but shall vote only in the event of a tie vote of the other members.

(2) Said committee is hereby authorized to review the medical malpractice claim experience of insured physicians and any other relevant information obtained by the association or insurer through its risk management or underwriting activities. The purpose of this review is for the committee to determine, on the basis of the physician's experience, whether remedial action may reduce the possibility that the physician's practice may result in future incidents of medical malpractice, and, if so, to implement the remedial action or actions which the committee determines are indicated. If the committee determines remedial action should be

implemented, it shall implement secondary remedial actions only if the committee determines (i) that primary remedial action has not or is unlikely to reduce the possibility that the physician's practice may result in future incidents of medical malpractice, or (ii) that the physician has failed or refused to comply with remedial actions implemented by the committee. Primary remedial actions are those listed in subsection (a)(3) which are not designated secondary remedial actions, and remedial actions not listed in paragraph (3) which are not designated secondary when approved for use by the commissioner. Secondary remedial actions are those listed in clauses (vi), (vii) and (viii) of said paragraph (3); similarly stringent actions not listed shall be designated secondary remedial actions when approved for use by the commissioner. In determining whether to impose remedial action, and in determining the remedial action or actions to be imposed, the experience review committee shall make its determinations solely with reference to this subsection, which is the complete and exclusive standard for such determinations by the experience review committee.

(3) An experience review committee established pursuant to this section, including any such committee established by the association, is authorized to recommend and implement remedial action as provided in this subsection with respect to an insured whose medical malpractice claim experience has been reviewed, notwithstanding any provision of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five or section five A of this chapter. The following committee remedial actions are authorized under this section: (i) consultation with the association's or insurer's risk management staff; (ii) audits by the association's or insurer's risk management staff; (iii) required additional education, including residency or other training programs; (iv) ineligibility for risk management, limited practice or other applicable medical malpractice insurance discounts; (v) required consultation with or supervision by another physician; (vi) restriction of coverage to exclude coverage for a particular speciality, procedure, or medical setting;(vii) imposition of a co-payment with respect to claims asserted against the physician involving a particular speciality or procedure; provided, however, that in no event shall the committee established by the association or insurer impose a co-payment which is less than a minimum set out in the experience review plan or more than fifty percent per claim or in excess of fifty thousand dollars per claim for any co-payment; (viii) imposition of added charges; provided, however, that in no event shall the committee established by the association or insurer impose an added charge on an insured less than a minimum set out in the experience review plan or more than fifty percent of the insured's total limits premium; and (ix) any other remedial action as the commissioner may approve which is consistent with the provisions of this section. In the event the experience review committee adopts a remedial action of a type not specified in the experience review plan, the committee shall, at least thirty days before the effective date of such remedial action, advise the commissioner of the particular

terms of the proposed remedial action and indicate how it is consistent with this section. Unless the commissioner disapproves the proposed remedial action before it goes into effect, such remedial action shall be deemed approved.

(4) Prior to adopting any remedial action with respect to an insured, the committee shall provide written notice to the insured of remedial action determined by it, the reasons supporting the committee's determination, and the commencement date for the remedial action, which shall not be less than thirty days from the date of the notice. The notice shall advise the insured that he may meet with the committee to obtain a further explanation of the committee's determination and to respond to the determination, and shall specify the time within which such a meeting may be requested, which shall not be less than ten business days from the insured's receipt of the notice. If the insured does not request a meeting with the committee within the time specified, he shall be deemed to have accepted the proposed remedial action, and to have waived his right to further review of the remedial action by the committee or pursuant to paragraph (6). If the insured requests a meeting with the committee, the committee shall hold such a meeting prior to implementing any remedial action with respect to the insured.

(5) The association or insurer is hereby authorized to issue endorsements to the insured's medical malpractice insurance policy and to take such other action as is necessary to implement the remedial action adopted by said committee. In no event shall the experience review committee established by the association deny all coverage to a duly licensed physician based upon review under the plan; provided, however, that the association or insurer may require completion of any recommended remedial actions as a condition of continued coverage. The failure to pay a co-payment or an added charge imposed by the committee shall constitute a failure to pay premium due the association, which may result in cancellation of insurance pursuant to section six of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five. The association or insurer is authorized to implement remedial actions which shall continue to apply automatically to renewals of the insured's policy as provided in the experience review plan.

(6) Any person aggrieved by a final determination of the committee under this section may, within thirty days from the notice of such final determination, file a complaint in the superior court for the county of Suffolk for a review of such determination. An order of notice returnable not later than twenty days from the filing of such complaint shall forthwith issue and be served upon the association or insurer. Within ten days after the return of said order of notice the complaint will be assigned for a speedy hearing on the merits without a jury. Unless the court orders otherwise, imposition of remedial action by the association or insurer shall be stayed pending review by the court. The court shall have jurisdiction to modify, amend, annul, reverse or affirm the final determination of the committee, shall review all questions of fact and law involved therein and may make any appropriate judgment. The decision of the court shall be final and conclusive on the parties.

The court may make such order as to costs as it deems equitable. The court may make such rules or orders as it deems proper, governing proceedings under this section to secure prompt and speedy hearings and to expedite final decisions thereon. For all appeals involving individual experience review, this subsection supersedes the appeal provisions in paragraphs eleven and twelve of section six of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five.

(7) Within thirty days from the effective date of this section the association or insurer shall file a proposed experience review plan with the commissioner; provided, however, that an insurer which first becomes subject to the provisions of section five A of this chapter more than thirty days after the effective date of this section, shall be required to file a proposed experience review plan in conjunction with its filing for rates and classifications under section five A. The commissioner shall either approve, disapprove or approve with modifications such plan following comment at a public hearing so that the plan is consistent with the requirements of this section. The commissioner shall sign a memorandum approving, disapproving, or approving with modifications the proposed plan in such form as he may prescribe within sixty days of the filing of such plan by the association or insurer, and file the same in his office and cause a duly certified copy of such memorandum to be transmitted forthwith to the association, insurer and other parties to the public hearing. Any person who participates in the public hearing and who is aggrieved by the decision of the commissioner may obtain review of the commissioner's decision by the supreme judicial court pursuant to the procedures set forth in section five A.

(8) Except as otherwise indicated in this section, any modifications to or termination of an experience review plan previously approved by the commissioner shall be subject to the following:

(i) An approved experience review plan shall continue indefinitely until terminated or modified; provided, however, that an approved plan may contain a self-termination provision.

(ii) Starting on July first, nineteen hundred and ninety-two, and on July first of every even-numbered year thereafter, the commissioner may, if he issues a request for public comment before September fifteenth of the preceding year, undertake a review of any experience review plan previously approved by him. Following such a request, he shall terminate such plan unless he finds it in accordance with this section.

(iii) Starting on August first, nineteen hundred and ninety-one, and on August first of every odd-numbered year thereafter, any party interested in an experience review plan previously approved by the commissioner, including the association or insurer to which the plan applies, may submit proposed changes in the plan to the commissioner and the association or insurer whether or not public comment is formally requested under subparagraph (ii). In addition to stating the revised

language of the plan, such a proposal shall contain supporting documents and discuss the reasons for the proposed changes. Only portions of a plan for which changes have been so proposed are subject to revision. After comment at a public hearing, the commissioner shall either maintain the plan in effect without change, terminate the plan, or adopt modifications to one or more portions of the plan for which changes have been proposed. Any such modifications to the plan shall be consistent with the requirements of this section, and shall not be implemented before July first of the year following the submission of the proposed change. A modification to the association's plan proposed by a party other than the association may be approved only if, on the basis of all of the materials and information which are in the record of the public hearing, the record demonstrates that the modification will improve the effectiveness of the previously approved plan in carrying out the purposes of this section, and that such improvements will not cause costs or administrative burdens to the association or its policyholders which are unreasonable in relation to the benefits of the improvements.

(iv) If the commissioner and the insurer or association agree on a proposed change, the proposed change may be made at any time, following public notice and an opportunity for comment, to become effective upon the commissioner's order.

(v) Decisions under subparagraphs (ii) to (iv), inclusive, shall be subject to judicial review in the supreme judicial court as provided in paragraph (7).

(9) There shall be no liability on the part of, and no cause of action of any nature shall arise against, the commissioner or his authorized representatives for any statements made in good faith by them in any report or communications concerning matters covered by this section.

(10) No experience review committee, insurer, including the association, individual or institution reporting, providing information, opinion, counsel or services to an experience review committee or participating in the procedures required by this section or any experience review plan approved hereunder, shall be liable in a suit for damages or subject to a cause of action of any kind by reason of having furnished such information, opinion, counsel or services or by reason of such participation; provided, however, that such individual or institution acted in good faith with a reasonable belief that said actions were warranted in connection with or in furtherance of the functions of the experience review committee or the procedures required by this section or any experience review plan approved hereunder.

(b)(1) The proceedings, records and reports of an experience review committee established pursuant to this section shall be confidential and treated as described in paragraphs (2) to (9), inclusive. The records and reports described in paragraphs (5) and (6) shall be exempt from disclosure as public records pursuant to section seven of chapter four of the General Laws.

(2) Except in connection with an appeal provided in paragraph (6) of

subsection (a), or a suit against any individual or institution to establish a cause of action pursuant to paragraph (10) of said subsection (a), documents identified in paragraphs (1), (5) and (6) of this subsection shall not be subject to subpoena or discovery, or introduced into evidence in any medical staff proceeding or administrative proceeding or in any judicial action; provided, however, that documents, reports or records otherwise available from original sources shall not be immune from subpoena, discovery or use in any judicial or administrative proceeding merely because they were presented to an experience review committee in connection with its proceedings. A court or administrative body may place reasonable restrictions on the use which may be made of the information to which subsection (b) applies, including any decision rendered as provided in paragraph (6) of subsection (a), so as to maintain so far as necessary or practicable the confidentiality of such information.

(3) Except in connection with an appeal provided in paragraph (6) of subsection (a), or a suit against any individual or institution to establish a cause of action pursuant to paragraph (10) of said subsection (a), no person who was in attendance at a meeting of an experience review committee shall be permitted or required to testify in any medical staff proceeding or administrative proceeding or in any judicial action as to the committee's or any member's findings, recommendations, evaluations, opinions, deliberations or other actions.

(4) A person who provides information to an experience review committee or who is a member of the committee shall not be prevented from testifying as to matters known to such person independent of the committee's proceedings; provided, however, that such person may not be questioned in any proceeding about the identity of any person furnishing information or opinions to the committee, opinions formed by the testifying person as a result of such committee proceedings, or about the deliberations of the experience review committee.

(5) In the event of an appeal under paragraph (6) of subsection (a), the record on appeal shall be confidential and treated as provided in paragraph (2) of this subsection.

(6) The association or insurer shall only report to the board of registration in medicine the imposition of voluntary or involuntary remedial actions described in clauses (vi) or (vii) of paragraph (3) of subsection (a). Such reports shall be considered confidential information subject to the requirements of section five of chapter one hundred and twelve. Such reports shall also be provided to the medical staff of any hospital or clinic at which such physician has privileges and to members and employed doctors of any partnership or professional corporation of which the insured is a member or employee. Any hospital or clinic receiving such a report may use the report to investigate or review the privileges available to such physician; provided, however, that any such report shall be maintained as confidential by any hospital or clinic and members or employed doctors of any partnership or professional corporation who receive it, and shall be treated as

provided in paragraph (2) of this subsection.

(7) On or before September first nineteen hundred and ninety and on or before April first of each year thereafter, the association or insurer shall submit to the division of insurance a list of insureds who have been reviewed under the experience review plan including insureds currently subject to remedial action. Such submission shall set forth each remedial action taken by the committee, if any, and such other information as shall be specified in the plan, consistent with the provisions of this section. Such submissions may be introduced in any hearing pursuant to paragraph (8) of subsection (a), or any appeal from such proceeding pursuant to paragraph (7) of subsection (a); provided, however, that information that identifies an individual physician in this report to the division of insurance shall be maintained as confidential and shall not be made part of any public record or proceeding.

(8) No proceeding, report or record of an experience review committee obtained hereunder in an appeal pursuant to paragraph (6) of subsection (a), any proceeding or appeal pursuant to paragraph (8) of said subsection (a), any action pursuant to paragraph (10) of said subsection (a), or a report pursuant to paragraph (6) or (7) of this subsection, shall be subject to subpoena or discovery, or introduced into evidence in judicial or administrative proceedings other than proceedings specified in paragraphs (6), (8) and (10) of said subsection (a), and paragraphs (6) and (7) of this subsection.

(9) Nothing in this section shall be deemed to alter or amend any requirement that the association or insurer provide records or information not prepared in connection with the experience review committee to the board of registration in medicine or the commissioner of insurance, including, but not limited to, the reporting requirements set forth in section five C of chapter one hundred and twelve or section five A of this chapter or as otherwise required by law.

SECTION 2. Notwithstanding the provisions of section five A of chapter one hundred and seventy-five A of the General Laws, prior to July first, nineteen hundred and ninety-two, the commissioner shall not establish any other form of experience review or experience rating plan, based upon the individual's medical malpractice claim experience, for individual physicians insured by the association or by other insurers subject to said section five A of said chapter one hundred and seventy-five A, except as provided in section five C of said chapter one hundred and seventy-five A. Once approved for implementation under said section five C of said chapter one hundred and seventy-five A, an experience review plan may not be modified by the commissioner until July first, nineteen hundred and ninety-two, unless agreed to by the association or insurer.

SECTION 3. Section 6 of chapter 362 of the acts of 1975 is hereby amended by striking out the eighteenth paragraph, inserted by section 36 of chapter 351 of the acts of 1986.

Approved January 8, 1990.

Chapter 668. AN ACT RELATIVE TO THE RULE AGAINST PERPETUITIES.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 184A and inserting in place thereof the following chapter:-

CHAPTER 184A.

STATUTORY RULE AGAINST PERPETUITIES.

Section 1. (a) A nonvested property interest is invalid unless:

(1) when the interest is created, it is certain to vest or terminate no later than twenty-one years after the death of an individual then alive; or

(2) the interest either vests or terminates within ninety years after its creation.

(b) A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(1) when the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than twenty-one years after the death of an individual then alive; or

(2) the condition precedent either is satisfied or becomes impossible to satisfy within ninety years after its creation.

(c) A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

(1) when the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than twenty-one years after the death of an individual then alive; or

(2) the power is irrevocably exercised or otherwise terminates within ninety years after its creation.

(d) In determining whether a nonvested property interest or a power of appointment is valid under clause (1) of paragraph (a), clause (1) of paragraph (b), or clause (1) of paragraph (c), the possibility that a child will be born to an individual after the individual's death is disregarded.

Section 2. (a) Except as provided in paragraphs (b) and (c) and in paragraph (a) of section five, the time of creation of a nonvested property interest or a power of appointment is determined under general principles of property law.

(b) For purposes of this chapter, if there is a person who alone can exercise a power created by a governing instrument to become the unqualified beneficial owner of (i) a nonvested property interest or (ii) a property interest subject to a power of appointment described in paragraph (b) or paragraph (c) of section one, the nonvested property interest or power of appointment is created when the power to become the unqualified beneficial owner terminates.

(c) For purposes of this chapter, a nonvested property interest or a power of appointment arising from a transfer of property to a previously funded trust or other

existing property arrangement is created when the nonvested property interest or power of appointment in the original contribution was created.

Section 3. Upon the petition of an interested person, a court shall reform a disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the ninety years allowed by clause (2) of paragraph (a), clause (2) of paragraph (b) or clause (2) of paragraph (c) of section one if:

(1) a nonvested property interest or a power of appointment becomes invalid under said section one;

(2) a class gift is not, but might become, invalid under said section one and the time has arrived when the share of any class member is to take effect in possession or enjoyment; or

(3) a nonvested property interest that is not validated by clause (1) of paragraph (a) of said section one can vest but not within ninety years after its creation.

Section 4. Section one shall not apply to:

(1) a nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of (i) a premarital or postmarital agreement, (ii) a separation or divorce settlement, (iii) a spouse's election, (iv) a similar arrangement arising out of a prospective, existing, or previous marital relationship between the parties, (v) a contract to make or not to revoke a will or trust, (vi) a contract to exercise or not to exercise a power of appointment, (vii) a transfer in satisfaction of a duty of support, or (viii) a reciprocal transfer;

(2) a fiduciary's power relating to the administration or management of assets, including the power of a fiduciary to sell, lease, or mortgage property, and the power of a fiduciary to determine principal and income;

(3) a power to appoint a fiduciary;

(4) a discretionary power of a trustee to distribute principal before termination of a trust to a beneficiary having an indefeasibly vested interest in the income and principal;

(5) a nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;

(6) a nonvested property interest in or a power of appointment with respect to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent contractors, or their beneficiaries or spouses, to which contributions are made for the purpose of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income, or principal in the trust or other property arrangement, except a nonvested property interest or a power of appointment that is created by

an election of a participant or a beneficiary or spouse; or

(7) a property interest, power of appointment, or arrangement that was not subject to the common-law rule against perpetuities or is excluded by another statute of this state.

Section 5. (a) An option in gross with respect to an interest in land or minerals or a preemptive right in the nature of a right of first refusal in gross with respect to an interest in land or minerals becomes invalid if it is not exercised within thirty years after its creation.

(b) A lease to commence at a time certain or upon the happening of a future event becomes invalid if its term does not actually commence in possession within thirty years after its execution.

(c) A nonvested easement in gross becomes invalid if it does not vest within thirty years after its creation.

Section 6. (a) Except as extended by paragraph (b), this chapter applies to a nonvested property interest or a power of appointment that is created on or after the effective date of this chapter. For purposes of this section, a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.

(b) If a nonvested property interest or a power of appointment was created before the effective date of this chapter and is determined in a judicial proceeding, commenced on or after the effective date of this chapter, to violate the commonwealth's rule against perpetuities as that rule existed before the effective date of this chapter, a court upon the petition of an interested person may reform the disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the limits of the rule against perpetuities applicable when the nonvested property interest or power of appointment was created.

Section 7. A fee simple determinable in land or a fee simple in land subject to a right of entry for condition broken shall become a fee simple absolute if the specified contingency does not occur within thirty years from the date when such fee simple determinable or such fee simple subject to a right of entry becomes possessory. If such contingency occurs within said thirty years the succeeding interest, which may be an interest in a person other than the person creating the interest or his heirs, shall become possessory or the right of entry exercisable notwithstanding the rule against perpetuities.

Section 8. This chapter shall apply to both legal and equitable interests.

Section 9. Except as provided in the first sentence of section seven, this chapter shall not be construed to invalidate or modify the terms of any limitation which would have been valid prior to January first, nineteen hundred and fifty-five.

Section 10. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among

states enacting it.

Section 11. This chapter shall supersede the rule of the common law known as the rule against perpetuities.

SECTION 2. This act shall take effect on June thirtieth, nineteen hundred and ninety.

Approved January 8, 1990.

Chapter 669. AN ACT RELATIVE TO THE MEMBERSHIP OF CERTAIN BOARDS IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 17 of the acts of 1947 is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The town manager shall appoint a board of health to consist of five suitably qualified persons. In nineteen hundred and ninety, in addition to the three present board members whose terms shall continue until they expire, the town manager shall appoint two members one for a term of two years and one for a term of one year and annually thereafter, there shall be appointed members for terms of three years in place of those members whose term is to expire.

SECTION 2. Section 18 of said chapter 17 is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The town manager shall appoint a board of playground commissioners to consist of five suitably qualified persons. In nineteen hundred and ninety, in addition to the three present board members whose terms shall continue until they expire, the town manager shall appoint two members, one for a term of two years and one for a term of one year and annually thereafter there shall be appointed members for terms of three years in place of members whose term is to expire.

Approved January 8, 1990.

Chapter 670. AN ACT AUTHORIZING THE TOWN OF WARE TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Ware a department of public works which shall be under the jurisdiction of the board of selectmen and said board shall assume jurisdiction over such town boards and officers abolished by section two of this act.

SECTION 2. The board of selectmen shall have all the powers and duties now

and from time to time vested by general or special law or town by-laws in the following boards and offices or in boards and offices having corresponding duties in the town of Ware to wit: the highway surveyor, the tree warden, and the water and sewer commissioners and such boards and offices are hereby abolished. No contracts or liabilities in force on the effective date of this act shall be affected hereby, but the board of selectmen shall in all respects be deemed the lawful successor of the aforesaid boards and offices. Said board shall have jurisdiction over the maintenance of the sanitary landfill. The board through the department under the jurisdiction of a superintendent of public works shall provide the cemetery commissioners and the park commissioners with departmental support, including use of manpower, use of equipment, capital expense, and clerical assistance for the purposes of maintaining the properties under the jurisdiction of said commissioners, and providing necessary departmental support to said commissioners as required by said commissioners to assist the commissioners with duties under the jurisdiction of said commissioners, subject to the approval of the board of selectmen and the availability of funds as appropriated by the town meeting. The cemetery commissioners and the park commissioners shall have full rights and powers over the trust funds, properties, and facilities currently under their respective jurisdictions, subject to relevant deed restrictions, the provisions of all applicable laws, rules, regulations, and town by-laws. The selectmen shall have such additional powers with respect to public works as the town from time to time by by-law provides.

SECTION 3. The board of selectmen shall appoint and fix the compensation of a superintendent of public works who shall exercise and perform, under the supervision and direction of said board, such of the powers, rights, and duties transferred to said board under th e provisions of section two and said board may from time to time delegate. Such superintendent shall be specially fitted by education, training and experience to perform the duties of his office and need not be a resident of the town during his tenure in office. Such superintendent shall be responsible for the efficient exercise and performance of such powers, rights and duties and may be removed for just cause only by a vote of said board. Said superintendent shall be given a written notice at least fourteen days prior to the date of removal, which shall specify the reasons for such removal and at his request a public hearing shall be held on the charges brought against him. During his tenure, he shall hold no other elective or appointive office nor shall he engage in any other business or occupation. Such superintendent shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his duties in such sum and upon such conditions as the board of selectmen may require. Said superintendent shall, subject to the approval of said board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights, and duties may require. Such superintendent shall render to the board of selectmen, as often as said board may require, a full

report of all operations under his control during the period reported upon, and from time to time as required by said board, shall make a synopsis of such reports for publication and shall keep said board fully advised as to the needs of the town within the scope of his duties, and shall annually, prior to the expiration of the fiscal year of said town furnish to said board a carefully prepared and detailed estimate in writing of the appropriations required during the next fiscal year for the proper exercise and performance of all said rights and duties. The incumbent of the office of highway surveyor and of the office of tree warden, and each permanent employee of any board or office abolished by this act, and the permanent employees of the cemetery department and the parks department shall be given preference based upon the availability of positions for transfer to the department of public works and become an employee of the department of public works subject to the approval of the board of selectmen and every employee so transferred shall continue to serve and shall retain all rights to holidays, sick leave, vacations and other benefits in effect on the effective date of this act.

SECTION 4. This act shall be submitted to the voters of the town of Ware for acceptance at the annual town election to be held in the year nineteen hundred and ninety 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 election:-

"Shall an act passed by the General Court in the year nineteen hundred and eighty-nine, entitled 'An Act Authorizing the Town of Ware to Establish a Department of Public Works,' be accepted?" If the majority of the votes cast in answer to this question is in the affirmative, this act shall become effective, but not otherwise.

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

Approved January 9, 1990.

Chapter 671. AN ACT CALLING FOR A MORATORIUM ON THE CONVERSION, ALTERATION, OR DEMOLITION OF SINGLE ROOM OCCUPANCY DWELLING UNITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to alleviate a serious public emergency existing with respect to the housing of a certain number of citizens throughout 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. As used in this act, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Common facilities", facilities that are to be shared by the occupants of more than one single room occupancy dwelling unit. Facilities shall not be deemed common if they can be reached only by passing through any part of more than one single room occupancy dwelling unit.

(b) "Convert or alter" shall mean:

to convert to or alter for use as apartments containing both bathroom and kitchen facilities, whether such conversion or alteration is effected with or without physical alterations; or

to convert to or alter for use other than as a single room occupancy dwelling unit, whether such conversion or alteration is effected with or without physical alterations; or

to reduce the number of single room occupancy dwelling units in a building by combining two or more units; or

to take action which tends to result in the conversion or alteration of single room occupancy dwelling units including, but not limited to: changing the rental period from one week or longer to daily rental payments; refusing to rent at a monthly or weekly rent when it has been so rented as of the effective date of this act; taking action against tenants for the purpose of forcing or encouraging a move, without offering an opportunity to return and offering equivalent alternative accommodations; provided, however that such action shall not include the following: decrease in services; withdrawal of safety measures; harassment; informing tenants to vacate; lock out; transferring to tenants the costs of utilities; fuel supplies or other services previously borne by the landlord; intentionally failing to rent a vacant unit after thirty or more calendar days of vacancy unless said unit is being repaired or renovated for continued use as a single room occupancy dwelling unit; provided, however, that any dwelling and any single room occupancy dwelling unit that is exempt under paragraph (e) of section one may be converted to any other category of use that is exempt under paragraph (e) of section one.

(c) "Dwelling", every building or shelter used or intended for human habitation including, but not limited to, rooming houses and temporary housing.

(d) "Reside", to occupy with no present intention of definite and early departure, but not necessarily with the intention of remaining permanently, and without another permanent domicile, excluding employees or faculty members of a school or college in a building owned by such institution.

(e) "Single room occupancy dwelling", every dwelling or part thereof, which contains one or more single room occupancy dwelling units.

(f) "Single room occupancy dwelling unit", the room or group of rooms let to an individual or household and which is used by said individual or household to reside in for longer than fifteen consecutive days. A single room occupancy dwelling unit is a dwelling unit which is not equipped with both individual kitchen and individual bathroom facilities, as defined in 105 CMR 410.100, and 105 CMR 410.150 State Sanitary Code Chapter II.

Notwithstanding the foregoing provisions, a single room occupancy dwelling unit shall not include any unit: in any dwelling which had a certificate of occupancy as a college or school dormitory as of the effective date of this Chapter, or any structure newly constructed after the effective date of this Chapter for use as a school or college dormitory; in any dwelling which is owner occupied and which contains three or fewer single room occupancy dwelling units; in any orphanage, jail, prison, hospital or nursing home, created after the effective date of this act by conversion of non-residential space in a building, any dwelling that previously was licensed and used as a dormitory by an educational institution and is owned by a school or college, and that, pursuant to a building permit, is under construction or undergoing rehabilitation or renovation as of the effective date of this act.

(g) "Vacant single room occupancy dwelling", a single room occupancy dwelling in which each and every single room occupancy dwelling unit is vacant as of the effective date of this act.

SECTION 2. It shall be unlawful to: convert or alter any single room occupancy dwelling unit, except as provided herein; demolish or structurally gut any single room occupancy dwelling unit; rent any single room occupancy dwelling unit for non-residential use; keep vacant a single room occupancy dwelling unit for thirty or more calendar days, unless said unit is being repaired or renovated for continued use as a single room occupancy dwelling unit; provided, however, that any single room occupancy dwelling which is vacant prior to enactment of this act shall not be subject to this provision.

SECTION 3. A tax-exempt nonprofit institution, which currently operates single room occupancy dwelling units, shall be exempt from the provisions of this act, provided that such institution will develop single room occupancy dwelling units in newly constructed buildings or substantially rehabilitated units in existing buildings in furtherance of the purposes as stated herein. Nothing in this chapter shall be construed to require the one-for one replacement of units. Such institution shall, prior to initiating any action which would, except for the exemption granted by this section, be in violation of this chapter, send written notice to the office of general counsel within the executive office of communities and development of its intention to undertake such action and its grounds for asserting that it is entitled to such exemption. Such notice shall be available for public inspection or copying pursuant to chapter sixty-six.

SECTION 4. Any affected person, the attorney general, the district attorney, city attorney, or rent control board may bring a civil action for injunctive and other relief to enforce the provisions of this act, including the award of monetary damages. The superior court and the housing court shall have jurisdiction in law and equity over any action arising from any violation of this act or any rules or regulations promulgated hereunder. Venue shall be determined pursuant to section one of chapter two hundred and twenty-three.

Any person who violates the provisions of section two shall be liable to the

person damaged in the amount of five thousand dollars for each such violation, or actual damage, whichever is the greater. A prevailing plaintiff shall be entitled to reasonable attorney's fees and costs.

Any person who violates the provisions of said section two shall be punished for each violation by a fine of five thousand dollars or by imprisonment for not more than three months, or both such fine and imprisonment. Each violation of this act shall constitute a separate offense.

There shall be a fund, to be known as the Single Room Occupancy Preservation Fund, which shall be administered and managed by the secretary of executive office of communities and development on behalf of cities and towns preparing an inventory and plan pursuant to section five. Criminal penalties shall be ordered payable to the Single Room Occupancy Preservation Fund; provided, however, except that where a city or town seeks to enforce the provisions of this act, the court may order any punitive damages or criminal penalties to be awarded directly to such city or town.

SECTION 5. Each city and town shall, in conjunction with the executive office of communities and development, develop an inventory of all existing single room occupancy dwelling units within each such city or town, and a plan, in light of said inventory, to preserve the existing stock, including the specification of any legal, financial or other barriers to the implementation of such a plan; provided, however, except that city or town may request said executive office to develop an inventory or plan or both on its behalf if it lacks the technical or financial resources to prepare such inventory or plan or both.

Such inventory shall include, but not be limited to, the following: the number of single room occupancy dwelling units currently existing, whether occupied or vacant and whether licensed or unlicensed, their location, current use, rent level and condition; and a demographic profile of the current residents of such units, including their age, sex, racial or ethnic origin and employment status.

Each city or town which has not previously requested the executive office of communities and development to prepare an inventory or plan on its behalf shall submit to said executive office within nine months of the effective date of this act, a report containing its inventory and plan. Prior to such submission, each city or town must hold a public hearing on its draft report, which shall be available to interested members of the public two weeks prior to the public hearing. At least two weeks prior to its public hearing, each city or town shall cause notice to be given of the free availability of the draft report, of the date, time and place of the public hearing, and of the method for submitting oral or written comments. Such notice shall be advertised in a newspaper of general circulation within the city or town, posted at the local housing authority and at each department of public welfare, Social Security Administration, Veterans' Administration and local veterans' services office which serves residents of the city or town and mailed, by first class mail, to any person or organization who has requested such notice. Further,

each city or town shall also, at least two weeks prior to such public hearing, provide a copy of the notice thereof to the executive office of communities and development, which shall make such notices available for public inspection. The report to said executive office shall include the method(s) used to notify interested persons of the public hearing, the date of such hearing and a summary of oral and written comments received.

SECTION 6. Within one year from the effective date of this act, the executive office of communities and development shall submit to the joint committee on housing and urban development the reports of the cities and towns submitted to it and the reports it has prepared on behalf of any city and town pursuant to section five, and a summary thereof, together with a state plan containing proposals for the preservation of single room occupancy units. Prior to such submission, but within a reasonable time thereafter and within sufficient time to give due consideration to comments received, said executive office shall hold one or more public hearings to receive public comment on its draft state plan. Notice of the public hearing shall be given at least twenty-one days prior to such hearing, by advertisement in newspapers of general circulation and in foreign language newspapers where appropriate, by radio and television public service announcements, in foreign languages where appropriate, and by mailing notice by first class mail to persons or organizations which have on file with the agency a written request for notice of agency rule-making pursuant to sections two and three of chapter thirty A. Such notice of public hearing shall contain a brief summary of the purpose of the state plan, the toll-free telephone number or the telephone number of a local public agency that can be called to obtain a free copy of the draft state plan, the address where free copies of the draft state plan can be obtained and the procedures for submitting oral and written comments, including appropriate date, time and place. In addition to oral comments received at the public hearing, said executive office shall give due consideration to written comments received up to one week subsequent to the last public hearing. The state plan submitted by said executive office to the joint committee on housing and urban development shall contain a brief summary of the public comments received.

The secretary of the executive office of communities and development may promulgate rules and regulations in accordance with chapter thirty A, as may be necessary for the proper implementation of this act.

SECTION 7. This act shall not be construed to preempt action by cities and towns which possess enabling authority under any special law from regulating evictions, rents, or the removal or conversion of rental housing accommodations, to the extent such cities or towns choose to impose more stringent requirements than are imposed by this act. If a city or town has a by-law, ordinance, or code which regulates, on a permanent basis, consistent with the purposes of this act, the destruction, conversion and alteration of single room occupancy dwelling units, then such law shall govern in such city or town, instead of the provisions of this

chapter.

SECTION 8. To the extent that the fair market value of any building or structure containing single room occupancy dwelling units is reduced as a result of restrictions imposed by this act, the owner thereof shall be entitled to compensation in accordance with the provisions of chapter seventy-nine from the single room occupancy preservation fund.

SECTION 9. This act shall expire eighteen months from its effective date.

Approved January 9, 1990.

Chapter 672. AN ACT AUTHORIZING THE TOWN OF NORTH READING TO GRANT A CERTAIN EASEMENT.

Be it enacted, etc., as follows:

SECTION 1. The town of North Reading acting through its board of selectmen, is hereby authorized to grant to the New England Telephone and Telegraph Company an easement to erect, operate, maintain, and remove communication cables, wires, guys and associated equipment on existing utility poles erected under the provisions of chapter five hundred and thirty-five of the acts of nineteen hundred and eighty-seven on, over and under certain parcels of land, including conservation land, presently owned by the town of North Reading in or near the Swan Pond area as shown on the town of North Reading Assessors Maps as follows:

Map 72 parcel 3 containing 14,000 sq. ft.
Map 72 parcel 20 containing 17,500 sq. ft.
Map 72 parcel 23 containing 45,614 sq. ft.
Map 72 parcel 33 containing 4.8 acres
Map 73 parcel 2 containing 12.0 acres
Map 73 parcel 3 containing 9.2 acres
Map 73 parcel 4 containing 31.4 acres
Map 74 parcel 69 containing 38.51 acres
Map 74 parcel 70 containing 164.5 acres
Map 80 parcel 3 containing 51.25 acres
Map 81 parcel 1 containing 1 acre
Map 81 parcel 4 containing 1.3 acres

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

Approved January 9, 1990.

Chapter 673. AN ACT AUTHORIZING THE TOWN OF HINGHAM TO CONVEY CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Hingham is hereby authorized to convey a certain parcel of conservation land located in said town to the commonwealth for highway and bikeway purposes. Said parcel is shown on a plan of land entitled "Plan of Parcels in the town of Hingham Plymouth County to be taken for Highway Purposes by the Department of Public Works" dated June 8, 1989 which is on file in the office of department of public works.

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

Approved January 9, 1990.

Chapter 674. AN ACT FURTHER REGULATING THE DISTRIBUTION OF LIQUOR PURCHASE IDENTIFICATION CARDS.

Be it enacted, etc., as follows:

Section 34B of chapter 138 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "twenty-one", in line 1, the words:- and does not hold a valid drivers license issued by the registry of motor vehicles, pursuant to section eight of chapter ninety, or a valid drivers license issued by the registry or department of motor vehicles of another state, which contains the photograph of the licensee.

Approved January 9, 1990.

Chapter 675. AN ACT DIRECTING THE REINSTATEMENT OF GLADYS M. AYVAZIAN AS A MEMBER IN SERVICE IN THE TEACHERS' RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, Gladys M. Ayvazian shall be eligible to be reinstated as a member in service of the teachers' retirement system as of March eleventh, nineteen hundred and eighty-six upon the completion by said Gladys Ayvazian of six years of continuous service as a teacher beginning on or after said March eleventh, nineteen hundred and

eighty-six, provided, however, she shall repay to the teachers' retirement system an amount equal to any accumulated deductions withdrawn by her therefrom together with regular interest thereon to the date of such payment, and a further amount equal to the total amount received by her as a retirement allowance therefrom together with regular interest thereon to the date of such payment, and a further amount equal to the regular deductions which would have been paid by her had she been a member in service continuously from said March eleventh, nineteen hundred and eighty-six, together with regular interest thereon to the date of such payment. Such payment shall be made in one sum or in installments as the retirement board shall prescribe. Upon the completion of said six years of service and the payment of said amounts, said Gladys Ayvazian shall receive, if otherwise eligible, creditable service for all service rendered after said March eleventh, nineteen hundred and eighty-six. If said Gladys Ayvazian shall fail to complete said six years of service or fails to make such payments, she shall not be so reinstated, and any such payments made by her shall be returned to her, without interest thereon. Any pension, allowance, or other retirement benefit provided hereunder shall be exclusive of and in the alternative to any other pension, allowance, or other retirement benefit including any provided for under any other general or special law.

Approved January 9, 1990.

Chapter 676. **AN ACT EXTENDING THE TIME FOR CANDIDATES FOR STATE OFFICE TO FILE NOMINATION PAPERS.**

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 53 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

No person may be nominated as an unenrolled candidate for any office to be filled at a state election, or a city or town election following a primary, if he has been enrolled as a member of a political party, as defined in section one of chapter fifty, during the time prior to the last day for filing nomination papers as provided in section ten, and on or after the day by which a primary candidate is required by section forty-eight to establish enrollment in a political party.

SECTION 2. Section 10 of said chapter 53, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

All certificates of nomination and nomination papers of candidates for the office of state representative, state senator, executive council, or county office shall be filed with the state secretary on or before the last Tuesday in May of the year in

which a state election is to be held. Certificates of nomination or nomination papers for the office of senator in congress, representative in congress, governor, lieutenant governor, attorney general, treasurer and receiver-general, state auditor and state secretary, shall be filed on or before the last Tuesday in August of the year in which a state election is to be held. If there is a special election to fill the office of representative in congress, all certificates of nomination and nomination papers shall be filed on or before the tenth Tuesday preceding the day of such election. If there is a special election to fill any other state office, all certificates of nomination and nomination papers shall be filed on or before the ninth Tuesday preceding the day of such election. Nomination papers for presidential elector shall be filed on or before the last Tuesday in August of the year in which a presidential election is to be held.

SECTION 3. The last paragraph of section 48 of said chapter 53, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- No such certificate shall be issued to any such candidate who shall have been an enrolled member of any political party during the time prior to the last day for filing nomination papers as provided in section ten, and on or after the day by which a primary candidate is required by this section to establish enrollment in a political party.

Emergency Letter: January 10, 1990 @ 10:05 A.M. Approved January 9, 1990.

Chapter 677. AN ACT RELATIVE TO TRANSPORTATION AND DELIVERY OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

Section 22 of chapter 138 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following two paragraphs:-

Upon application by an operator of a catering business, the commission is authorized to issue and may issue a permit, to be renewed annually, to such operator to receive alcoholic beverages or alcohol on behalf of, and transport and deliver such alcoholic beverages or alcohol to, any of such operator's customers if such receipt, transportation and delivery is in the ordinary course of such operator's business.

Any such operator of a catering business may store such alcoholic beverage or alcohol if such storage is reasonably incidental to such receipt, transportation and delivery. Said permit shall not authorize the resale of such beverages.

Approved January 9, 1990.

Chapter 678. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF SALISBURY.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, a certain parcel of land located in the town of Salisbury, which has reverted to the commonwealth under the provisions of chapter five hundred and twenty-nine of the acts of nineteen hundred and fifty-seven, to Richard A. DiCarlo, subject to the requirements of section two and to such terms and conditions as the deputy commissioner may prescribe in consultation with the department of public works, said property being described as follows:

A certain parcel of land on the North side line of Beach Road (Route 1A) in Salisbury, Massachusetts being bounded and described as follows:

Beginning at a bound and running:

SOUTHEASTERLY 72°16'33", twenty-five and forty-one hundredths feet (25.41) from a stone bound, which is also on the North sideline of said Beach Road; thence running

NORTHEASTERLY 17°43'27", two hundred fifty feet (250.00) by land now or formerly of the town of Salisbury, to a pin to be set; thence running

SOUTHEASTERLY 72°16'33", one hundred and eighty-eight and forty-four hundredths of a foot (188.44) by land now or formerly of the town of Salisbury, to an iron pin to be set; thence running

SOUTHWESTERLY 36°33'34", sixty-four and fourteen hundredths of a foot (64.14) by land now or formerly of Richard A. DiCarlo, to a point; thence running

NORTHWESTERLY 69°11'50", one hundred and twenty-five feet (125.00) by land now or formerly of Richard A. DiCarlo, to a point; thence running

SOUTHWESTERLY 29°11'17", two hundred feet (200.00) by land now or formerly of Richard A. DiCarlo, to a point; thence running

NORTHEASTERLY 72°18'35", three and sixteen hundredths of a foot (3.16) along the North sideline of said Beach Road to the point of beginning.

The above description is as shown on a plan entitled "Lot Line Adjustment Plan" at 347 Beach Road, in Salisbury, Massachusetts, at 1 inch = 40 feet, scale prepared by C.D.E.C., Inc., Hampton, New Hampshire, dated _____, 1988, and to be recorded with said deed upon conveyance.

SECTION 2. Richard A. DiCarlo shall assume the costs of any appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the granting of this conveyance.

SECTION 3. Chapter 529 of the acts of 1957 is hereby amended by inserting after the word "taking", in lines 21 and 22, the words:- ; and, provided further, that no portion of said land as described above shall be conveyed or otherwise transferred by the town, to any party other than the commonwealth, without obtaining a release deed to the town executed by the commonwealth in recordable form and authorized by special law, which deed shall release such portion of said land and only such portion from reverter, and thereby conveying any and all right, title, and interest of the commonwealth to said town.

Approved January 9, 1990.

Chapter 679. AN ACT RELATIVE TO THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 708 of the acts of 1966 is hereby amended by striking out paragraph *(k)*, as appearing in section 17 of chapter 574 of the acts of 1983, and inserting in place thereof the following paragraph:-

(k) "New residential mortgage", a loan, including a home improvement loan, made by or on behalf of the MHFA or by a mortgage lender and secured by a mortgage, note, bond or other obligation constituting a lien upon real property or by a lease of the fee of real property or a pledge of stock in a cooperative and an assignment of a proprietary lease on real property located in the commonwealth and improved by a residential building or unimproved if the proceeds of such loan shall be used for purpose of erecting, acquiring or rehabilitating a residential building thereon, or for the purpose of acquiring, constructing or rehabilitating a condominium unit or a cooperative share in a cooperative provided that each such loan made from the proceeds of a loan made or acquired by MHFA or made by a mortgage lender shall be made to an owner-occupant pursuant to section five A.

SECTION 2. Paragraph *(a)* of section 4 of said chapter 708, as most recently amended by section 18 of said chapter 574, is hereby amended by inserting after the word "loans", in line 1, the words:- or other loans secured in such manner as the MHFA shall by resolution determine to be necessary to assure payment of such loans and the interest thereon as the same become due,- and by inserting after the word "building", in line 7, the word:- acquisition.

SECTION 3. Paragraph (h) of said section 4 of said chapter 708 is hereby amended by adding the following sentence:- In effecting a foreclosure sale, the MHFA may require that the purchaser acquire title subject to such restrictions on use and occupancy for low and moderate income persons and families as may be in effect for the development at the time of the sale.

SECTION 4. Paragraph *(q)* of said section 4 of said chapter 708 is hereby amended by inserting after the word "act", in line 3, the words:- , including the establishment of any type of subsidiary, subordinated, independent or affiliated entity otherwise allowed by law, including stock corporations or membership corporations whether organized for profit or for nonprofit purposes, partnerships, joint ventures or trusts, and to hold any type or form of ownership or other beneficial interest in any such entity.

SECTION 5. Said section 4 of said chapter 708 is hereby further amended by striking out paragraph *(u)*, inserted by section 1 of chapter 519 of the acts of 1976, and inserting in place thereof the following paragraph:-

(u) The MHFA may establish a program or programs to insure its mortgage loans pursuant to section five or new residential mortgages made or acquired by it or made by mortgage lenders from the proceeds of a loan pursuant to section five A alone or in conjunction with private enterprise or the commonwealth or the United States or any agency of either or both of them. The MHFA may establish loss reserve accounts for insurance programs and may fund such accounts from available monies.

SECTION 6. Said section 4 of said chapter 708, as most recently amended by section 18 of chapter 574 of the acts of 1983, is hereby further amended by adding the following paragraph:-

(x) Establish a program to utilize the net proceeds realized from the prepayment of any mortgage purchased from the United States or any agency thereof, to provide subsidies for the purpose of enabling low income persons or families to continue to occupy units in such projects after the mortgage has been prepaid.

SECTION 7. Section 4A of said chapter 708 is hereby amended by striking out paragraph *(a)*, as appearing in section 11 of chapter 264 of the acts of 1982, and inserting in place thereof the following paragraph:-

(a) Make and acquire new residential mortgages and participations therein and make loans to mortgage lenders under terms and conditions requiring the proceeds thereof to be used by such mortgage lenders for the making of new residential mortgages, all subject to the provisions of section five A.

SECTION 8. Said section 4A of said chapter 708 is hereby further amended by striking out paragraph *(c)*, as so appearing, and inserting in place thereof the following paragraph:-

(c) Collect, enforce the collection of, and foreclose on any collateral securing new residential mortgages made or acquired by it and its loans to mortgage lenders and acquire or take possession of such collateral and sell the same at public or private sales, with or without public bidding, and otherwise deal with such collateral as may be necessary to protect the interest of the MHFA therein, all subject to any agreement with bondholders or noteholders.

SECTION 9. Said section 4A of said chapter 708 is hereby further amended by striking out paragraph *(e)*, as so appearing, and inserting in place thereof the

following paragraph:-

(e) Establish, and revise from time to time, and charge and collect fees and charges in connection with new residential mortgages made or acquired by the MHFA and loans made by the MHFA to mortgage lenders and in connection with MHFA's mortgage insurance program.

SECTION 10. Said section 4A of said chapter 708 is hereby further amended by striking out paragraph *(f)*, as so appearing, and inserting in place thereof the following paragraph:-

(f) Establish programs to insure new residential mortgages made or acquired by the MHFA and loans made by mortgage lenders with the proceeds of loans made by MHFA to such mortgage lenders, subject to the provisions of section five B.

SECTION 11. Said section 4A of said chapter 708 is hereby further amended by striking out paragraph *(h)*, as so appearing, and inserting in place thereof the following paragraph:-

(h) Sell, purchase and contract and enter into advance commitments to purchase and take assignments from mortgage lenders of new residential mortgages owned or to be owned by mortgage lenders, including securities and other obligations of mortgage lenders secured by or representing an interest in new residential mortgages, all subject to the provisions of section five A. Acquire or accept by pledge Government National Mortgage Association guaranteed mortgage-backed securities, backed by new residential mortgages or interests therein, or other instruments of indebtedness issued or guaranteed by the United States of America or any agency or instrumentality thereof or corporation created thereby which have been or will be issued to finance new residential mortgages.

SECTION 12. Said section 4A of said chapter 708 is hereby further amended by adding the following two paragraphs:-

(m) Make loans to eligible mortgagors as defined in paragraph *(b)* of section five, and acquire loans from mortgage lenders or make loans to mortgage lenders, for the purpose of financing the construction or acquisition and rehabilitation of owner-occupied housing available for purchase by persons and families qualifying for a new residential mortgage made or acquired by or on behalf of MHFA pursuant to section five A. Prior to making a construction loan for owner-occupied housing, the MHFA will make a finding that such construction financing is not available from conventional financing sources.

(n) Establish a qualified mortgage credit certificate program and issue mortgage credit certificates, as defined in Section 25 of the Internal Revenue Code of 1986, and thereunder, upon such terms and conditions as the MHFA, in its discretion, may determine to be necessary or desirable, provided such certificates shall not constitute bonds or notes or other evidence or indebtedness of the MHFA under the provisions of this chapter or be deemed to be a debt or pledge of the faith and credit of the MHFA.

SECTION 13. Paragraph *(a)* of section 5 of said chapter 708, as most recently

amended by chapter 544 of the acts of 1981, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The MHFA may make mortgage loans to owners or sponsors of such housing projects containing two or more dwelling units as in the judgment of MHFA are supplying or have promise of supplying well planned, well designed apartment units which are providing or will provide housing for low-income persons or families in a location where there is a need for such housing, or purchase or participate in the purchase of securities which are secured by such mortgage loans.

SECTION 14. Said section 5 of said chapter 708 is hereby further amended by striking out paragraph *(d)*, as amended by section 16 of chapter 1215 of the acts of 1973, and inserting in place thereof the following paragraph:-

(d) Limited Profit. - A mortgagor may not make distributions in any one year with respect to a project financed by the MHFA in excess of ten percent of the mortgagor's equity in such project. The mortgagor's initial equity in a project shall consist of the difference between the mortgage and the total project value or cost, whichever is greater as determined by MHFA in accordance with its regulations or other published procedures. The MHFA may reestablish the mortgagor's equity not more than once every five years thereafter, based upon the total project value at that time.

Notwithstanding the foregoing, the provisions of this paragraph shall not apply to mortgages purchased by MHFA from the United States or any agency thereof. In the event any such mortgage is increased or otherwise modified, the provisions of this paragraph shall apply and the MHFA shall, pursuant to regulations adopted by it, establish the mortgagor's equity at the time of such increase or modification.

SECTION 15. Paragraph *(f)* of said section 5 of said chapter 708, as most recently amended by section 19 of chapter 574 of the acts of 1983, is hereby further amended by adding the following sentence;- Notwithstanding the foregoing, the provisions of this section shall not apply to mortgages purchased by the MHFA from the United States or any agency thereof.

SECTION 16. Paragraph *(g)* of said section 5 of said chapter 708, as amended by section 1 of chapter 546 of the acts of 1982, is hereby further amended by inserting after the word "exists", in line 10, the words:- or would exist but for the project.

SECTION 17. Said paragraph *(g)* of said section 5 of said chapter 708 is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The findings as to the elimination of unsafe and unsanitary dwelling units need not be made in the case of the purchase of a mortgage by the MHFA from the United States or any agency thereof or the financing of a project previously financed by the United States or any agency thereof, or in the case of any project located in a rural, nonfarm area, or of any project developed on the site of substandard area or of any project undertaken within an urban renewal or land assembly and redevelopment area.

SECTION 18. Paragraph *(i)* of said section 5 of said chapter 708, added by section 10 of chapter 789 of the acts of 1981, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The MHFA and its successors and assigns may waive the requirement that a disposition agreement be entered into with respect to only those units designated for persons or families paying market-rate rents if the MHFA determines that such waiver will be in the interest of furthering the purpose of this act.

SECTION 19. Said chapter 708 is hereby further amended by striking out section 5B, inserted by section 12 of chapter 264 of the acts of 1982, and inserting in place thereof the following section:-

Section 5B. Mortgage Insurance Programs. Without limiting the powers of the MHFA otherwise granted by this chapter, the MHFA, or any subsidiary, subordinated, independent or affiliated entity thereto or established thereby in accordance with this chapter, may, establish a program to insure new residential mortgages and participations therein made or acquired by the MHFA under section five A or made by mortgage lenders as a condition to the receipt of a loan from the MHFA under section five A and also to insure conventional mortgage loans to resident owners made for purposes of acquisition, construction and rehabilitation of owner-occupied residential housing for persons and families of low and moderate income.

Such sums as may be appropriated or otherwise acquired or received by the MHFA may be used for the purpose of establishing a Mortgage Insurance Fund administered by the MHFA or otherwise held and applied as security for or in payment of the MHFA's insurance obligations under this section. Such sums, to the extent necessary, may be applied to the payment of *(i)* claims made by mortgage lenders who have made new residential mortgages as a condition to the receipt of a loan from the MHFA under section five A and which new residential mortgages are in default, *(ii)* claims made by lenders of conventional mortgage loans, in default, made to resident owners for purposes of acquisition, construction and rehabilitation of owner-occupied residential housing for persons and families of low and moderate income and *(iii)* new residential mortgages heretofore or hereafter made or acquired by the MHFA under section five A. MHFA's insurance obligations under this section may be reinsured with such agencies or instrumentalities of the commonwealth or the United States or with foreign insurance companies qualified to do business in the commonwealth as MHFA shall select. Claims shall be made against the mortgage insurance fund in accordance with procedures established by MHFA. Pursuant to this section, and to rules and regulations adopted by it, MHFA may have at any time a total amount of net insurance risk outstanding not in excess of the amount contained in the fund multiplied by thirty. At such times as premiums and other sources of income to the fund provide adequate protection against potential losses, MHFA shall, to the extent it deems it prudent, return to the General Fund of the commonwealth from the Mortgage Insurance Fund all or a portion of such funds as may have been

appropriated to such fund by the commonwealth.

SECTION 20. The definition of "Rental housing project" of section 25 of chapter 23B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:-

Rental housing project shall also include such cooperative housing projects as have the characteristics of rental housing rather than homeownership by reason of limitations on equity realizable by shareholders on resale, or such other features as may be defined in guidelines published for the program.

SECTION 21. Section 9 of chapter 121A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Regarding residential housing projects, the preceding limitations on repayments and dividends shall not apply whenever the United States Department of Housing and Urban Development hereinafter referred to as HUD or the Massachusetts Housing Finance Agency, hereinafter referred to as MHFA allows a change in the allowable distribution or other measure to increase the rate of return on investment, as defined by HUD or MHFA, for projects assisted by HUD or MHFA, subject to the approval of the department of community affairs.

SECTION 22. Clause (e) of section 18C of said chapter 121A, as so appearing, is hereby amended by striking out, in line 37, the word "corporation;" and inserting in place thereof the following:- corporation. Regarding residential housing projects, the preceding limitations on dividends shall not apply whenever the United States Department of Housing and Urban Development, hereinafter referred to as HUD or the Massachusetts Housing Finance Agency, hereinafter referred to as MHFA allows a change in the allowable distribution or other measure to increase the rate of return on investment, as defined by HUD or MHFA, for projects assisted by HUD or MHFA, subject to the approval of the department of community affairs.

Emergency Letter: January 10, 1990 @ 10:05 A.M. Approved January 9, 1990.

Chapter 680. AN ACT FURTHER REGULATING COSTS OF PREMIUMS RELATIVE TO CLAIMS MADE POLICIES OF MEDICAL MALPRACTICE INSURANCE FOR CERTAIN PHYSICIANS.

Be it enacted, etc., as follows:

The eighth paragraph of section 6 of chapter 362 of the acts of 1975 is hereby amended by adding the following eight sentences:- Effective July first, nineteen hundred and ninety, in addition to the existing single payment plan and three year installment plan for reporting endorsements for claims made policies as approved

by the commissioner, the association shall offer only to physicians and surgeons the option of payment for reporting endorsements in annual installments over periods of five years and seven years. The five year and seven year installment plans shall be subject to the following conditions: (1) the total reporting endorsement premium due shall be equal to the reporting endorsement premium due under the single payment plan; (2) the reporting endorsement premium charge shall be payable in equal annual installments, and each installment payment shall include interest on the unpaid reporting endorsement premium at an annual rate equal to the interest rate approved by the commissioner under section five A of chapter one hundred and seventy-five A of the General Laws for discounting pure premium; and (3) the premium charge, interest rate and amount of each annual installment payment shall be those applicable as of the due date of the first installment. The five year installment plan shall be subject to the condition that if an uncured default occurs in payment of any installment of reporting endorsement premium when due, then the insured shall become immediately liable for the entire outstanding balance of the unpaid reporting endorsement premium, and shall also be subject to having his reporting endorsement voided or cancelled for any annual periods for which no installment payment has been made. To the extent that an insured who elects the five year installment plan has paid more premium in installment payments as of the date the reporting endorsement is voided or cancelled due to default than would have been actuarially indicated as of the date the reporting endorsement was first purchased, such excess premium shall be refunded to the insured. The seven year installment plan shall be subject to the following conditions: (1) the insured must purchase an occurrence policy from the association for each of the seven years; and (2) if the insured fails to purchase or renew an occurrence policy in any of the seven years, or if an uncured default occurs in *(a)* payment of any installment of reporting endorsement premium when due, or *(b)* payment of premium due on any occurrence policy within the seven year installment payment period, then the insured shall become immediately liable for the entire outstanding balance of the unpaid reporting endorsement premium, and shall also be subject to having his reporting endorsement voided or cancelled. The foregoing three year, five year and seven year plans shall be the exclusive installment plans offered for reporting endorsements by the association. An insured shall elect which if any installment plan he chooses at the time the reporting endorsement is first purchased and shall not be allowed to change plans after said election. Notwithstanding the foregoing, an insured who elects the five year or seven year installment plan may at any time prepay the entire remaining outstanding balance of reporting endorsement premium then due, plus any accrued interest.

Approved January 9, 1990.

Chapter 681. AN ACT REGULATING THE USE OF JET SKIS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90B of the General Laws is hereby amended by inserting after section 9 the following two sections:-

Section 9A. No person shall operate a jet ski, surf jet or wetbike (a) on waters of the commonwealth unless the person is sixteen years of age or older, (b) within one hundred and fifty feet of a swimmer, shore or moored vessel, except at headway speed, (c) on waters of the commonwealth of less than seventy-five acres, (d) without wearing an approved personal flotation device or (e), between sunset and sunrise. For the purposes of this section, the term, "headway speed", shall mean the slowest speed at which a personal watercraft, jet ski, surf jet or wetbike can be operated and maintain steerage way.

Section 9B. The division of law enforcement within the department of fisheries and wildlife is hereby authorized and directed to establish an educational safety program for the operation of jet skis, surf jets and wetbikes. All persons under the age of eighteen who operate such watercraft shall be required to participate in said program; provided, however, that the director of said division shall establish the program criteria and content and shall determine the minimum safety skills necessary for said persons to operate such watercraft.

SECTION 2. Section 14 of said chapter 90B, as appearing in the 1988 Official Edition, is hereby amending by striking out, in lines 2 and 12, the words "or six" and inserting in place thereof, in each instance, the words:- six or nine A.

SECTION 3. Notwithstanding any general or special law to the contrary, a municipality by a majority vote of the local governing body may allow the use and operation of a jet ski, surf jet or wetbike consistent with the rules and regulations of the department of fisheries, wildlife and environmental law enforcement on any pond or lake of less than seventy-five acres within the jurisdiction of said municipality.

Approved January 9, 1990.

Chapter 682. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO TRANSFER CARE AND CONTROL OF CERTAIN PARK LAND.

Be it enacted, etc., as follows:

The city of Westfield, acting by and through the city council of said city, is hereby authorized to transfer the care, custody and management of certain park land, from the parks and recreation commission of said city to the school

department of said city to be used for educational and recreational purposes. Said parcels are bounded and described as follows:-

Parcel I. Beginning at a point on the northerly line of Steiger Drive said point also being the southeasterly corner of Lot 128 and running thence N 08°48' 32" W one hundred sixty-one and 26/100 (161.26') feet to an iron pin; thence running S 81° 11' 28" W one hundred seven and 93/100 (107.93') feet to an iron pin; thence running N 76° 37' 32" W (308.00') feet to an iron pin; thence running N 00° 16' 06" W six hundred seventy-five and 09/100 (675.09') feet to a point; thence running N 86° 59' 56" E eighty-two and 56/100 (82.56') feet to a 36" Oak stump; thence running N 81° 52' 00" E four hundred seventy-eight and 96/100 (478.96') feet to a point; thence running S 83° 01' 41" E three hundred fifty-eight and 24/100 (358.24') feet to an iron pin; thence running S 03°05' 19" W two hundred thirty-two and 73/100 (232.73') feet to a point; thence running S 06° 11' 06" W four hundred thirty and 50/100 (430.50') feet to an iron pipe in a ring of stones; thence running S 76° 06' 58" W three hundred twenty-six and 68/100 (326.68') feet to a stone bound; thence running S 07° 41' 02" E one hundred sixty-one and 29/100 (161.29') feet to an iron pin on the northerly line of Steiger Drive; thence running along the northerly line of Steiger Drive S 81° 11' 28" W one hundred and twenty-five and 00/100 (125.00') feet to a point at the place of beginning. Said parcel contains 15.469 acres of land.

Parcel II. Beginning at an iron pin at the intersection of the southwesterly corner of land owned by Gerald R. and Joan R. Clark with land of the City of Westfield and running thence N 45° 08' 11" E one hundred ninety-eight and 40/100 (198.40') feet to a point; thence running S 44° 23' 41" E one hundred eighty and 00/100 (180.00') feet to a point; thence running S 11° 31' 37" W seven hundred fifty-one and 67/100 (751.67') feet to an iron pin; thence running N 87° 48' 22" W seven hundred seventy-nine and 70/100 (779.70') feet to a point; thence running N 77° 09' 00" W twenty-seven and 00/100 (27.00') feet to a point; thence running N 44° 59' 28" E nine hundred seventy-four and 69/100 (974.69') feet to an iron pin and the place of beginning. Said parcel of land contains 9.345 acres of land.

Approved January 9, 1990.

Chapter 683. AN ACT AUTHORIZING THE CITY OF QUINCY TO REIMBURSE BESSIE KIMMETT CERTAIN MONIES PAID AS REAL ESTATE TAXES TO SAID CITY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the city of Quincy is hereby authorized to reimburse Bessie Kimmett the sum of one hundred and seventy-five dollars, paid to said city as real estate taxes in error

for fiscal year nineteen hundred and eighty-seven

Approved January 9, 1990.

Chapter 684. AN ACT AUTHORIZING NORFOLK COUNTY TO BORROW MONEY FOR REPAIRS TO COURTHOUSE BUILDINGS IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to raise and expend a sum not exceeding five million dollars for repairs and renovations to county buildings used for the operation and support of the court system of the commonwealth as they deem necessary and proper including plans and specifications and architectual work in connection therewith.

SECTION 2. For the purpose authorized by section one, the treasurer of said county, with the approval of the county commissioners and the county advisory board on county expenditures may borrow upon the credit of the county such sums as may be necessary not exceeding, in the aggregate, five million dollars; and may issue bonds or notes of the county thereof, which shall bear on their face the words, Norfolk County Court Buildings Renovation Loan, Act of 1989. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than twenty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but for not less than their par value. Indebtedness included hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved January 9, 1990.

Chapter 685. AN ACT AUTHORIZING ESTIMATED TAX PAYMENTS IN THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of New Bedford is hereby authorized to issue preliminary first half and preliminary second half notices of estimated tax in lieu of the actual assessment and issuance of the tax bill in fiscal year nineteen hundred and ninety, and require the payment of such estimated tax. The preliminary first half estimated tax payment shall not exceed the first half estimated tax payment for the fiscal year

nineteen hundred and eighty-nine or one-half of the total actual tax bill for fiscal year nineteen hundred and eighty-nine, if such actual tax bill has been determined at the time the notice of the preliminary first half estimated tax payment is mailed. The preliminary second half estimated tax payment shall not exceed the amount, which when added to the preliminary first half estimated tax payment, results in total preliminary estimated tax payments equal to the total estimated tax payments for fiscal year nineteen hundred and eighty-nine or the total actual tax bill for fiscal year nineteen hundred and eighty-nine, if such actual tax bill has been determined as the time the notice of the preliminary second half estimated tax payment is mailed. The preliminary first half estimated tax payment shall be payable on or before the thirtieth day after the mailing of the notice of such preliminary first half estimated tax payment. The preliminary second half estimated tax payment shall be payable on or before May first of the fiscal year, or the thirtieth day after the mailing of the notice of such preliminary second half estimated tax payment, whichever is later, without payment of interest. Upon certification of full and fair cash valuation, the assessors of the city shall establish the tax rate for fiscal year nineteen hundred and ninety and the city shall forthwith send out tax bills for said year. Payment of any balance remaining after credit is given for the estimated tax payments previously made, shall represent the final payment upon the actual bill that shall be payable on or before the thirtieth day of the mailing of the bill for such tax, without payment of interest.

All relevant provisions of law regarding the procedures for issuing, mailing and collecting taxes upon real and personal property shall be applicable to the preliminary first half and preliminary second half notice of estimated tax and the estimated tax payments provided hereunder, including the payments of interest under section fifty-seven of chapter fifty-nine of the General Laws. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for the fiscal year shall govern such rights and remedies. The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for fiscal year nineteen hundred and ninety established by the city.

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

Approved January 10, 1990.

Chapter 686. AN ACT RELATIVE TO THE TRANSFER OF CERTAIN PERSONS FROM THE BRIDGEWATER STATE HOSPITAL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate the transfer of certain persons from the Bridgewater state hospital, 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 second paragraph of section 5 of chapter 1 of the acts of 1988 is hereby amended by striking out the third sentence and inserting in place thereof the following two sentences:- Said plan shall be fully implemented by the commissioner of mental health, and the commissioner of correction 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 is so obligated; provided, further, that subject to the appropriation of sufficient funds to develop additional secure facilities, the commissioner of mental health shall transfer such patients to mental health facilities located throughout the commonwealth suitable for the care and treatment and security of such patients; provided, further, that the department of mental health request information and recommendations regarding appropriate security arrangements at Medfield state hospital from the boards of selectmen of the towns of Medfield and Dover by January fifteenth, nineteen hundred and ninety; and provided, further, that no patients transfer shall occur until the commissioner of mental health determines that appropriate security precautions have been provided at each location where a patient is to be transferred. The commissioner shall report to the joint committee on human services and elderly affairs the status of all transfers called for in this section by March first, nineteen hundred and ninety and every two years thereafter.

Approved January 10, 1990.

Chapter 687. **AN ACT PROVIDING FOR EFFECTIVE AND EFFICIENT UNIFORM PROCUREMENT PROCEDURES FOR CITIES, TOWNS, DISTRICTS AND COUNTIES.**

Be it enacted, etc., as follows:

SECTION 1. Section 38K of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the word "ten" and inserting in place thereof the following words:- one hundred.

SECTION 2. Paragraph (d) of section 39M of chapter 30 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:-

(4) to any contract of not more than twenty-five thousand dollars awarded by a governmental body, as defined by section two of chapter thirty B, in accordance with the provisions of section five of said chapter thirty B.

SECTION 3. The General Laws are hereby amended by inserting after chapter 30A the following chapter:-

CHAPTER 30B.

UNIFORM PROCUREMENT ACT.

Section 1. (a) This chapter shall apply to every contract for the procurement of supplies, services or real property and for disposing of supplies or real property by a governmental body as defined herein.

(b) This chapter shall not apply to:

(1) a contract subject to the provisions of section thirty-nine M of chapter thirty or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine;

(2) a contract subject to the provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven;

(3) an intergovernmental agreement subject to the provisions of section four A of chapter forty;

(4) a transaction with the commonwealth;

(5) a contract for the purchase of materials, under specifications of the state department of public works, and at prices established by the department, pursuant to advertising and bidding for such purpose, in connection with work to be performed under the provisions of chapter eighty-one or chapter ninety;

(6) a contract for the advertising of required notices;

(7) an agreement between agencies, boards, commissions, authorities, departments or public instrumentalities of one city or town;

(8) an agreement for the provision of special education pursuant to chapter seventy-one B and regulations promulgated pursuant thereto;

(9) a contract to purchase supplies or services from any agency or instrumentality of the federal government, the commonwealth, or any of its political subdivisions;

(10) the issuance of bonds, notes or securities in accordance with procedures established by law;

(11) contracts and investments made in accordance with sections fifty-seven or fifty-seven A of chapter thirty-five or sections sixty-seven or sixty-seven A of chapter forty-four;

(12) an agreement subject to the provisions of sections one to sixteen, inclusive, of chapter forty M or the provisions of sections twenty-five E to twenty-five U, inclusive, of chapter one hundred and fifty-two;

(13) contracts for the services of expert witnesses for use in an adjudicatory proceeding or litigation or in anticipation thereof, labor relations representatives, physicians, dentists, lawyers, designers, or certified public accountants; or

(14) any contracts or agreements entered into by a municipal gas or electric department governed by a municipal light board, as defined by section fifty-five

of chapter one hundred and sixty-four or by a municipal light commission, as defined by section fifty-six A of said chapter one hundred and sixty-four; provided, however, that any such board or commission may accept the provisions of this chapter by a majority vote of its members.

(c) This chapter shall be deemed to have been complied with on all purchases made under the provisions of sections twenty-two A and twenty-two B of chapter seven when one political subdivision, as defined in said section twenty-two A, acting on behalf of other political subdivisions, complies with the provisions of this chapter, or when purchases are made from a vendor pursuant to a contract with the commonwealth for the item or items being purchased.

(d) Where a procurement involves the expenditure of federal assistance or contract funds, the provisions of this chapter shall not apply to the extent that such provisions prevent compliance with mandatory provisions of federal law and regulations.

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

"Bid", a written offer to provide a supply or service at a stated price submitted in response to an invitation for bids.

"Chief procurement officer", the purchasing agent appointed pursuant to section one hundred and three of chapter forty-one, or as to any city or town which has not accepted said section, an individual duly appointed in a city having a city manager, by the city manager, in a town having a town manager, by the town manager, in any other town, by the selectmen, or, in any city or town otherwise providing by charter or local by-law for the appointment of a chief procurement officer, in accordance with such charter or local by-law, to procure all supplies and services for the city or town and every governmental body thereof; an individual duly appointed in a district by the prudential committee, if any, otherwise the commissioners to procure all supplies and services for the district; an individual duly appointed in a regional school district by the regional school district committee to procure all supplies and services for the regional school district; an individual duly appointed in a county having a county executive, by the county executive, or in any other county, by the commission, to procure all supplies and services for the county and every governmental body thereof.

"Contract", all types of agreement for the procurement or disposal of supplies or services, regardless of what the parties may call the agreement.

"Contractor", a person having a contract with the governmental body.

"Designer", a person performing any of the following services, in connection with the construction, reconstruction, alteration, repair, development, installation, maintenance, or demolition of any building, road, bridge, or other physical property, unless such services are performed under a contract subject to the provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven; preparation of master plans, studies, surveys, soil tests, cost estimates or

programs; preparation of drawings, plans, or specifications; supervision or administration of a construction contract; or construction management or scheduling.

"Employment agreement", any agreement between a governmental body and an individual pursuant to which (1) the governmental body withholds or is required to withhold taxes on the individual's wages pursuant to the Internal Revenue Code or chapter sixty-two B; or (2) the governmental body and the individual stand under common law rules in the legal relationship of employer and employee.

"Governmental body", a city, town, district, regional school district, county, or agency, board, commission, authority, department or instrumentality of a city, town, district, regional school district or county.

"Grant agreement", an agreement between a governmental body and an individual or nonprofit entity the purpose of which is to carry out a public purpose of support or stimulation instead of procuring supplies or services for the benefit or use of the governmental body.

"Invitation for bids", the documents utilized for the soliciting of bids, including documents attached or incorporated by reference.

"Labor relations representative", a person designated to represent a public employer and act in its interest in dealing with public employees pursuant to chapter one hundred and fifty E.

"Majority vote", as to any action by or on behalf of a county or instrumentality of the county, a simple majority of the commission; a city, town, or district, a majority vote as defined in section one of chapter forty-four; a regional school district, an affirmative vote by two-thirds of the members of the regional district school committee; or a housing authority, a simple majority of its members.

"Minor informalities", minor deviations, insignificant mistakes, and matters of form rather than substance of the bid, proposal, or contract document which can be waived or corrected without prejudice to other offerors, potential offerors, or the governmental body.

"Person", any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals.

"Procurement", buying, purchasing, renting, leasing, or otherwise acquiring a supply or service, and all functions that pertain to the obtaining of a supply or service, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Procurement officer", an individual duly authorized pursuant to law, charter, or local by-law to procure a supply or service for a governmental body or to dispose of a supply, including an individual duly delegated to take any action in connection with a procurement, and further including any member of a board, committee, commission, or other body who participates in a procurement.

"Proposal", a written offer to provide a supply or service at a stated price submitted in response to a request for proposals.

"Purchase description", the words used in a solicitation to describe the supplies or services to be purchased, including specifications attached to or incorporated by reference into the solicitation.

"Request for proposals", the documents utilized for soliciting proposals, including documents attached or incorporated by reference.

"Responsible bidder or offeror", a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance.

"Responsive bidder or offeror", a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals.

"Services", the furnishing of labor, time, or effort by a contractor, not involving the furnishing of a specific end product other than reports. This term shall not include employment agreements, collective bargaining agreements, or grant agreements.

"Supplies", all property, other than real property, including equipment, materials, printing, and insurance and further including services incidental to the delivery, conveyance and installation of such property.

Section 3. A procurement officer who awards a contract in the amount of five thousand dollars or more shall maintain a file on each such contract and shall include in such file a copy of all written documents required by this chapter. Written documents required by this chapter shall be retained by the governmental body for at least six years from the date of final payment under the contract. Except as provided by paragraph (d) of section six, the records shall be open to public inspection.

Section 4. (a) Except as permitted pursuant to section seven, for the procurement of a supply or service in the amount of one thousand dollars or greater, but less than ten thousand dollars, a procurement officer shall seek written or oral quotations from no fewer than three persons customarily providing such supply or service. The procurement officer shall record the names and addresses of all persons from whom quotations were sought, the names of the persons submitting quotations and the date and amount of each quotation. A governmental body may require that procurements in amounts of less than ten thousand dollars be based on written quotations or be subject to the provisions of section five.

(b) The procurement officer shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation.

(c) A procurement in the amount of less than one thousand dollars shall be obtained through the exercise of sound business practices.

Section 5. (a) Except as permitted under section six or section eight, award of procurement contracts in the amount of ten thousand dollars or more, other than contracts for the procurement of real property, shall conform to the competitive sealed bidding procedures set forth in this section.

(b) A procurement officer shall issue an invitation for bids for a procurement

contract. The invitation for bids shall include:

(1) the time and date for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the governmental body;

(2) the purchase description and all evaluation criteria to be utilized pursuant to paragraph (e); and

(3) all contractual terms and conditions applicable to the procurement.

The invitation for bids may incorporate documents by reference; provided, however, that the invitation for bids specifies where prospective bidders may obtain the documents. The procurement officer shall make copies of the invitation for bids available to all persons on an equal basis.

(c) The procurement officer shall give public notice of the invitation for bids a reasonable time prior to the date for the opening of bids. The notice shall:

(1) indicate where, when and for how long invitations for bids may be obtained;

(2) describe the supply or service desired, and reserve the right of the governmental body to reject any or all bids;

(3) if award of the contract is subject to the approval of any board, committee, commission or other body, so state and identify each such body;

(4) remain posted, for at least two weeks, in a conspicuous place in or near the offices of the governmental body until the time specified in the invitation for bids; and

(5) be published at least once, not less than two weeks prior to the time specified for the receipt of bids, in a newspaper of general circulation within the area served by the governmental body.

For procurements in the amount of twenty-five thousand dollars or more, or such larger amount as may be established by the state secretary, the procurement officer shall also place the notice in any publication established by the state secretary for the advertisement of such procurements.

The procurement officer may distribute copies of the notice to prospective bidders, and may compile and maintain lists of prospective bidders to which notices may be sent.

A city or town which regularly publishes a periodical listing municipal contracting opportunities may apply to the state secretary for permission to utilize such periodical in lieu of advertising in a newspaper of general circulation. The state secretary, after notice and an opportunity for interested persons to present their views, may grant, renew, or revoke permission for said city or town to utilize such periodical in lieu of newspaper advertising for procurements or classes of procurements not to exceed such amount as may be established by the state secretary. Such permission shall remain in effect for a specified period not to exceed three years. In granting, renewing, or revoking such permission, the state secretary shall consider whether the periodical provides prospective contractors with reasonable notice of contracting opportunities, taking account of such factors

as circulation, accessibility, reliability, and cost of the periodical. Such permission and any renewal or revocation thereof shall be in writing filed with the city or town clerk, the inspector general, and the state secretary.

(d) The procurement officer shall open bids publicly either (1) at a meeting subject to the provisions of section eleven A 1/2 of chapter thirty A, in the presence of a quorum, and the names of all bidders and the amounts of their bids shall be entered in the minutes, or (2) in the presence of one or more witnesses, and the procurement officer and said witnesses shall sign a statement under penalties of perjury listing the names of all bidders and the amounts of their bids and declaring that said list is a complete and accurate list of bids opened in the presence of said witnesses. Such minutes or statement, or a certified copy thereof, shall be filed with the contract.

(e) The procurement officer shall evaluate a bid based soley on the requirements and criteria set forth in the invitation for bids. Such criteria shall include the standards by which the procurement officer will determine acceptability as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose.

(f) The procurement officer shall unconditionally accept a bid without alteration or correction, except as provided in this paragraph. A bidder may correct, modify, or withdraw a bid by written notice received in the office designated in the invitation for bids prior to the time and date set for the bid opening. After bid opening, a bidder may not change the price or any other provision of the bid in a manner prejudicial to the interests of the governmental body or fair competition. The procurement officer shall waive minor informalities or allow the bidder to correct them. If a mistake and the intended bid are clearly evident on the face of the bid document, the procurement officer shall correct the mistake to reflect the intended correct bid and so notify the bidder in writing, and the bidder may not withdraw the bid. A bidder may withdraw a bid if a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident.

(g) The procurement officer shall award the contract to the lowest responsible and responsive bidder. A contract requiring payment to the governmental body of a net monetary amount shall be awarded to the highest responsible and responsive bidder. The procurement officer shall award the contract by written notice to the selected bidder within the time for acceptance specified in the invitation for bids. The parties may extend the time for acceptance by mutual agreement.

Section 6. (a) A chief procurement officer may enter into procurement contracts in the amount of ten thousand dollars or more utilizing competitive sealed proposals, in accordance with the provisions of this section. The chief procurement officer shall not solicit competitive sealed proposals unless he has determined in writing that selection of the most advantageous offer requires comparative judgments of factors in addition to price, specifying the reasons for his determina-

tion.

(b) The chief procurement officer 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 governmental body;

(2) the purchase description and all evaluation criteria that will be utilized pursuant to paragraph (e); 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 required supplies or services.

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 chief procurement officer shall make copies of the request for proposals available to all persons on an equal basis.

(c) Public notice of the request for proposals shall conform to the procedures set forth in paragraph (c) of section five.

(d) The chief procurement officer 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 evaluations, 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 chief procurement officer 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 chief procurement officer 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.

(e) The chief procurement officer 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 required supplies or services which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

(f) A proposal may be corrected, modified or withdrawn to the extent provided in paragraph (f) of section five.

(g) The chief procurement officer 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 chief procurement officer 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 chief procurement officer 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 a plan incorporated by reference in the contract.

(h) If the chief procurement officer awards the contract to an offeror who did not submit the lowest price, the chief procurement officer shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of supplies or services under the contract will not exceed the governmental body's actual needs.

(i) If a contract requiring payment to the governmental body of a net monetary sum is awarded to an offeror who did not submit the highest price, the chief procurement officer shall explain the reasons for the award in writing as set forth in paragraph (h).

Section 7. (a) A procurement officer may award a contract in an amount of less than ten thousand dollars or any contract for the procurement of library books or school textbooks without competition when, after reasonable investigation, the procurement officer determines in writing that only one practicable source for the required supply or service exists. The procurement officer shall procure a proprietary item by competition if more than one potential bidder or offeror for that item exists.

(b) The procurement officer shall record all sole source procurements, specifying each contractor's name, the amount and type of each contract, a listing of supplies or services procured under each contract, and the basis of the determination that the contractor was the only practicable source for the required supply or service.

(c) A procurement officer may procure without competition water, gas, electricity, sewer or telephone services from a public utility company as defined in section three of chapter twenty-five if the procurement officer certifies in writing that only one practicable source exists.

Section 8. Whenever the time required to comply with a requirement of this chapter would endanger the health or safety of the people or their property a

procurement officer may make an emergency procurement without following that requirement. An emergency procurement shall be limited to only supplies or services necessary to meet the emergency and shall conform to the requirements of this chapter to the extent practicable under the circumstances. The procurement officer shall make a record of each emergency as soon after the procurement as practicable, specifying each contractor's name, the amount and the type of each contract, a listing of the supply or service provided under each contract, and the basis for determining the need for an emergency procurement.

The procurement officer shall submit a copy of this record at the earliest possible time to the state secretary for placement in any publication established by the state secretary for the advertisement of procurements.

Section 9. The procurement officer may cancel an invitation for bids, a request for proposals, or other solicitation, or may reject in whole or in part any and all bids or proposals when the procurement officer determines that cancellation or rejection serves the best interests of the governmental body. The procurement officer shall state in writing the reason for a cancellation or rejection.

Section 10. A person submitting a bid or a proposal for the procurement or disposal of supplies or services to any governmental body shall certify in writing, on the bid or proposal, as follows:

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

_____

(Name of person signing bid or proposal)

_____

(Name of business)

Section 11. No person shall cause or conspire to cause the splitting or division of any procurement, specification, invitation for bids, request for proposals, proposal, solicitation, or quotation for the purpose of evading a requirement of this chapter.

Section 12. (a) Unless otherwise provided by law and subject to paragraph (b), a governmental body may enter into a contract for any period of time which services the best interests of the governmental body; provided, however, that the procurement officer shall include in the solicitation the term of the contract and conditions of renewal, extension or purchase, if any. The procurement officer shall not enter into a contract unless funds are available for the first fiscal year at the time of contracting. Payment and performance obligations for succeeding fiscal years

shall depend on the availability and appropriation of funds.

(b) Unless authorized by majority vote, a procurement officer shall not solicit or award a contract for a term exceeding three years, including any renewal, extension, or option. Such authorization may apply to a single contract or to any number or types of contracts, and may specify a uniform limit or different limits on the duration of any such contracts.

(c) The invitation for bids, request for proposals, or other solicitation of any contract for a term exceeding one year, including a renewal, extension or option, shall state, in addition to the other information required by this chapter:

(1) the amount of supplies or services required for the proposed contract period, and whether such amount is the actual amount required or an estimate;

(2) that the bidder or offeror shall give a unit price for each supply or service, and that the unit price shall remain the same throughout the contract, except to the extent that the solicitation and resulting contract provides for price adjustments;

(3) that the procurement officer shall cancel the contract if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal year succeeding the first year;

(4) whether the bidder or offeror shall submit prices for:

(i) the first fiscal year only;

(ii) the entire time of performance only; or

(iii) both the first fiscal year and the entire time of performance; and

(5) how the award will be determined, including, if the contractor submits prices for the first fiscal year and the entire time of performance, how the prices will be compared.

When a contract is to contain an option for renewal, extension, or purchase, the solicitation shall include notice of the provision. The governmental body shall retain sole discretion in exercising the option, and no exercise of an option shall be subject to agreement or acceptance by the contractor.

(d) When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year, the procurement officer shall cancel the contract.

(e) The governmental body shall not exercise an option for renewal, extension or purchase unless the procurement officer, after reasonable investigation of costs and benefits, has determined in writing that the exercise of the option is more advantageous than alternate means of procuring comparable supplies or services.

(f) Notwithstanding the provisions of paragraphs (a), (b), clause (3) of paragraph (c) and paragraph (d) and further notwithstanding any contrary provision of any law or the provisions of any charter, a city or town may, in a contract for the disposal of its garbage, refuse, and offal, agree that said city or town shall not be exempt from liability on such contract; provided, however, that such disposal shall be in a sanitary manner approved by the department of environmental quality engineering, also known as the department of environmental

protection; provided further, that the contract, including any renewal, extension, or option, shall be for a period not exceeding twenty years; and provided, further, that such contract has been authorized by majority vote, and the terms thereof have been approved as reasonable by the emergency finance board.

Section 13. The governmental body may increase the quantity of supplies or services or both specified in a contract provided:

(1) the unit prices remain the same or less;

(2) the procurement officer has specified in writing that an increase is necessary to fulfill the actual needs of the governmental body and is more economical and practical than awarding another contract;

(3) the parties agree to the increase in writing; and

(4) the increase in quantity, in any contract except a contract for the purchase of gasoline, fuel oil, or road salt, does not exceed ten percent.

Section 14. Unless no other manner of description suffices, and the procurement officer so determines in writing, setting forth the basis for the determination, all specifications shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

Section 15. (a) A governmental body shall dispose of a tangible supply, no longer useful to the governmental body but having resale or salvage value, in accordance with this section. This section does not apply to the disposal of real property.

(b) The governmental body shall offer such supply through competitive sealed bids, public auction, or established markets.

(c) Notice of sale by bid or auction shall conform with the procedures set forth in paragraph (c) of section five. The notice shall indicate the supply offered for sale, designate the location and method for inspection of such supply, state the terms and conditions of sale including the place, date and time for the bid opening or auction, and state that the governmental body retains the right to reject any and all bids.

(d) If the governmental body rejects the bid of the highest responsive bidder, the governmental body may:

(1) negotiate a sale of such supply so long as the negotiated sale price is higher than the bid price; or

(2) resolicit bids.

(e) A procurement officer may trade-in a supply listed for trade-in in the invitation for bids or request for proposals.

(f) For a supply with an estimated net value of less than five hundred dollars, the procurement officer shall dispose of such supply using written procedures approved by the governmental body.

(g) Notwithstanding any other requirement of this section, a governmental body may by majority vote, unless otherwise prohibited by law, dispose of a

tangible supply no longer useful to the governmental body but having resale or salvage value, at less than the fair market value to a charitable organization which has received a tax exemption from the United States by reason of its charitable nature.

Section 16. (a) If a governmental body duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the governmental body shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.

(b) The governmental body shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.

(c) A governmental body shall solicit proposals prior to:

(1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding five hundred dollars; or

(2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed five hundred dollars in value.

(d) The governmental body shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The governmental body shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the governmental body shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the state secretary pursuant to section twenty A of chapter nine.

(e) The governmental body may shorten or waive the advertising requirement if:

(1) the governmental body determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their property; provided, however, that the governmental body shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

(2) in the case of a proposed acquisition, the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a

beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a bidding agreement to acquire the property.

(f) Proposals shall be opened publicly at the time and place designated in the advertisement. The governmental body shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.

(g) If the governmental body decides to dispose of property at a price less than the value as determined pursuant to paragraph (b), the governmental body shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.

(h) This section shall not apply to the rental of residential property to qualified tenants by a housing authority or a community development authority.

Section 17. (a) All contracts in the amount of five thousand dollars or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract.

(b) Subject to the provisions of section three A of chapter forty, a contract made in violation of this chapter shall not be valid, and the governmental body shall make no payment under such contract. Minor informalities shall not require invalidation of a contract.

(c) A person who causes or conspires with another to cause a contract to be solicited or awarded in violation of a provision of this chapter shall forfeit and pay to the appropriate governmental body a sum of not more than two thousand dollars for each violation. In addition, the person shall pay double the amount of damages sustained by the governmental body by reason of the violation, together with the costs of any action. If more than one person participates in the violation, the damages and costs may be apportioned among them.

(d) The inspector general shall have authority to institute a civil action to enforce paragraph (c) if authorized by the attorney general.

Section 18. (a) For purposes of this section the following phrases shall have the following meanings:

"Disadvantaged vendor", any business beneficially owned by one or more minority persons in conformity with clauses (1) to (4), inclusive, of the definition of "Minority business" set forth in section forty N of chapter seven, and any business beneficially owned by one or more women as provided in the definition of "Women-owned business" set forth in said section forty N.

"Sheltered market program", a program under which certain contracts are designated by the chief procurement officer for procurement from one or more classes of disadvantaged vendors.

(b) When authorized by majority vote, a chief procurement officer may

establish a sheltered market program in conformity with the requirements of this section. Such authorization may apply to a single contract or to any number or types of contracts, shall specify the class or classes of disadvantaged vendors to be included in the sheltered market program, and shall to the extent constitutionally required be based on findings that such program is a remedy for the present effects of past discrimination.

(c) A procurement officer shall not solicit or award a contract pursuant to a sheltered market program until the chief procurement officer, after notice and a public hearing, has approved written procedures for the operation of such program, has filed such procedures with the state office of minority and women business assistance and the secretary of state, and has published such procedures or a summary thereof in a newspaper of general circulation within the area served by the governmental body and in any publication established by the secretary of state for the advertisement of such notices.

Such written procedures shall, at a minimum, include:

(1) procedures for the certification of disadvantaged vendors, which procedures shall require the use of standardized application forms, the submission of applications sworn to under the penalties of perjury, the maintenance of certification records by the chief procurement officer or his designee, an opportunity for a business denied certification to be heard on such denial, the issuance of certificates valid for a period not longer than two years, notice and an opportunity to be heard prior to revocation of certificates, and a public information campaign to encourage certification; provided, however, that a governmental body's certification procedures may authorize participation in its sheltered market program by any eligible disadvantaged vendor duly certified under the sheltered market program of another governmental body or by the state office of minority and women business assistance;

(2) in the event the authorization required by paragraph (b) does not designate the specific contracts to which the sheltered market program applies, procedures for designating such contracts, which procedures shall (i) set forth criteria for designating contracts, (ii) require that each designation be in writing and based on written findings that the contract meets such criteria, and (iii) provide for an administrative review of the appropriateness of including the contract in the sheltered market program;

(3) procedures for ensuring effective competition among disadvantaged vendors for contracts within the sheltered market program, including procedures requiring (i) supplemental advertising in media serving disadvantaged communities, (ii) for the procurement of a supply or service in the amount of one thousand dollars but less than ten thousand dollars, the receipt of written or oral quotations from no fewer than three certified disadvantaged vendors customarily providing such supply or service; provided, however, that a quotation shall not be considered until the vendor has submitted to the procurement officer a copy of a valid

certificate, and (iii) for the procurement of a supply or service in the amount of ten thousand dollars or more, the receipt of responsive bids or proposals from no fewer than three certified disadvantaged vendors; provided, however, that a bid or proposal shall not be considered unless accompanied by a copy of a valid certificate; and

(4) procedures for review and assessment of the sheltered market program, at least annually, based upon a detailed written report by the chief procurement officer or his designee, which report shall at a minimum set forth for the twelve months then ending (i) the number and dollar value of contracts awarded to disadvantaged vendors under the sheltered market program, (ii) the total number, the percentage, the total dollar value, and the percentage dollar value of contracts awarded by the governmental body to disadvantaged vendors eligible for participation in the sheltered market program, (iii) a description of other efforts undertaken by the governmental body to increase its contracting with disadvantaged vendors, and (iv) recommendations for continuing, modifying, or terminating the program.

A violation of any valid procedure adopted pursuant to this section shall constitute a violation of this chapter.

(d) Advertisements for a contract within the sheltered market program shall state that the contract will be awarded under a sheltered market program and shall specify the class or classes of disadvantaged vendors to which competition for the contract is limited.

(e) In no event shall a contract designated for inclusion in a sheltered market program be awarded on a sole source basis. If fewer than three responsive bids, proposals, or quotations are received, or if all bids, proposals, or quotations are rejected pursuant to section nine, the contract shall not be awarded under the sheltered market program.

(f) No contract shall be awarded under a sheltered market program for a term exceeding three years, including any renewal, extension, or option. No disadvantaged vendor shall be awarded a sheltered market program contract if at the time of award such vendor is a party to any other sheltered market program contract the term of which, including any renewal, extension, or option, has not expired. No disadvantaged vendor shall be awarded more than three sheltered market program contracts by one or more governmental bodies within any one-year period.

(g) Except as otherwise provided in this section, all procurements under a sheltered market program shall be undertaken in accordance with the provisions of this chapter.

Section 19. Subject to the provisions of section one hundred and three of chapter forty-one, to the extent permitted by charter or local by-law in a city or town, or by written rules of the committee, commission or executive appointing the chief procurement officer in a district or county, a chief procurement officer

may delegate his powers and duties in accordance with this section to one or more employees of the governmental body. A delegation shall be in writing, be signed by the chief procurement officer, and state the activity or function authorized and the duration of the delegation. A delegation may be in specific or general terms, may be limited to a particular procurement or class of procurements, and may be conditioned upon compliance with specified procedures. A delegation may be revoked or amended whenever the chief procurement officer determines that revocation or amendment is in the best interests of the governmental body. A delegation of powers or duties by a chief procurement officer and any revocation or amendment thereof shall not take effect until a copy of the same has been filed with the office of the inspector general.

SECTION 4. Section seventeen of chapter thirty-four of the General Laws is hereby repealed.

SECTION 5. Section 37A of chapter 35 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 17 and 18, the words "section seventeen of chapter thirty-four" and inserting in place thereof the words:- chapter thirty B.

SECTION 6. Section 44 of said chapter 35, as so appearing, is hereby amended by striking out, in lines 6 to 8, inclusive, the words "in case of all payments in excess of one thousand dollars section seventeen of chapter thirty-four" and inserting in place thereof the words:- chapter thirty B.

SECTION 7. Chapter 40 of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. A city or town may make contracts for the exercise of its corporate powers, on such terms and conditions as are authorized by the town meeting in a town, the town council in a town without a town meeting, the city council in a city with the approval of the mayor or the city council in a Plan D or Plan E city with the approval of the manager, or as otherwise authorized in accordance with a duly adopted charter. A city or town may not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

SECTION 8. Section four B of said chapter forty is hereby repealed.

SECTION 9. Section four B 1/2 of said chapter forty is hereby repealed.

SECTION 10. Section four G of said chapter forty is hereby repealed.

SECTION 11. Section four H of said chapter forty is hereby repealed.

SECTION 12. Said chapter 40 is hereby further amended by striking out section 5, as amended by chapter 113 of the acts of 1989, and inserting in place thereof the following section:-

Section 5. A town may at any town meeting appropriate money for the exercise of any of its corporate powers; provided, however, that a town shall not appropriate or expend money for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

SECTION 13. Said chapter 40 is hereby further amended by inserting after section 5E the following two sections:-

Section 5F. For the following purposes, a city or town may defray the cost, including maturing debt and interest, of acquiring, establishing, maintaining, and operating certain facilities and services by charges established by the city or town upon persons making use of such facilities or services: (1) purchasing, hiring, maintaining, and operating ambulances; and (2) establishing, maintaining, and equipping public gymnasiums, swimming pools, bathing beaches, golf courses, artificial ice-skating rinks and other such means of recreation, instruction or exercise.

Section 5G. A city or town may establish a municipal waterways improvement and maintenance fund to receive revenue under subsection (i) of section two of chapter sixty B and sums received from the commonwealth or the federal government, and may appropriate monies in said fund for (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds of the commonwealth, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention.

SECTION 14. Said chapter 40 is hereby further amended by inserting after section 6N, as so appearing, the following section:-

Section 6O. A city or town may pay part of the premiums for group life insurance for permanent employees under the provisions of section one hundred and thirty-three to one hundred and thirty-eight A, inclusive, of chapter one hundred and seventy-five. The amount of such insurance for any employees whose yearly gross compensation is less than two thousand dollars shall not exceed one thousand dollars, and for any employee whose yearly gross compensation is two thousand dollars or more, such amount shall not exceed two thousand dollars. Any increase in the amount of insurance made possible by an increase in compensation shall take effect on the next succeeding policy anniversary, but no reduction in the amount of insurance shall be required on account of a reduction in compensation. Yearly gross compensation shall not include any overtime pay, and, in the case of hourly workers, shall be computed on the basis of scheduled required work hours. Fifty percent of the amount of any premium thereon shall be paid by the town. Any dividends or other refunds or rate credits shall inure to the benefit of the town and shall be applied to the cost of such insurance.

SECTION 15. Section 8C of said chapter 40, as so appearing, is hereby amended by striking out, in lines 66 and 67, the words "clause (51) of section five" and inserting in place thereof the following words:- this section.

SECTION 16. Said section 8C of said chapter 40, as so appearing, is hereby further amended by adding the following paragraph:-

A city or town may appropriate money in any year to a conservation fund of which the treasurer shall be the custodian. He may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the

commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth, and any income therefrom shall be credited to the fund. Money in said fund may be expended by said commission for any purpose authorized by this section; provided, however, that no expenditure for a taking by eminent domain shall be made unless such expenditure has been approved in accordance with this section.

SECTION 17. Section 8H of said chapter 40, as so appearing, is hereby amended by adding the following paragraph:-

A city or town may appropriate money in any year to a recycling fund of which the treasurer shall be the custodian. He may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth, and any income therefrom shall be credited to the fund. Money in said fund may be expended by said commission for any purpose authorized by this section, other than a taking by eminent domain.

SECTION 18. Section 29 of chapter 43 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "two" and inserting in place thereof the following word:- five.

SECTION 19. Section 2 of chapter 60B of the General Laws, as so appearing, is hereby amended by striking out, in lines 59 and 60, the words "clause (72) of section five" and inserting in place thereof the following words:- section five G.

SECTION 20. Section 7A of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out, in lines 26 to 30, inclusive, the words "sealed bids, and the school committee shall, in the event that a contract is awarded to other than the lowest bidder, file with the department a written statement giving its reasons therefor, which statement shall be open to the public inspection" and inserting in place thereof the following words:- competitive sealed bids pursuant to chapter thirty B.

SECTION 21. Section 5F of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the third paragraph the following four paragraphs:-

A city or town may participate in the cost sharing program for the control of aquatic nuisances in those waters of the commonwealth selected for control by the department. To participate in such program, the city or town may contribute up to one-half of the total cost of the control program but not less than one-quarter

of the total cost as determined by the department. If a body of water is located in a state park or reservation, or if the body of water is a great pond which the department determines is more heavily used by inhabitants of cities or towns other than the one in which the pond is located, the commonwealth may bear the entire cost of the control; provided, however, that if a state agency operates a recreational facility on a body of water, the department may authorize the city or town to contribute less than one-quarter of the total cost.

In determining the amount of the contribution, the department shall consider the following:

(1) the economic capabilities of the city or town as determined by the department of corporations and taxation;

(2) the use of the waters by communities outside the city or town in which the waters are located; and

(3) the advantages to the commonwealth of the work.

When the body of water is located in more than one city or town, the department shall determine the amount of water area in acres lying in each city or town and shall apportion the local contribution in accordance with said amount. In instances where a city or town boundary is merely contiguous to the shoreline of the waters but does not encompass any water area, the department shall appropriate the costs in accordance with the amount of shoreline in linear feet lying in each town or city as determined by the department.

All city or town funds to be used in the cost sharing program for the control of aquatic nuisances shall be paid to the state treasurer and may be expended by the department for said purposes.

SECTION 22. Section 5B of chapter 252 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

The board of health may delegate its authority to another agency; provided, however, that said board shall notify the state reclamation board of such delegation; and, provided further, that said agency shall annually file a detailed report of its mosquito control program with said reclamation board.

SECTION 23. The provisions of section three of this act shall apply only to contracts solicited or entered into after the effective date of this act. Any renewal, extension, modification, or exercise of any option under any contract after the effective date of this act shall be subject to the provisions of said section three. The parties to any other contract may agree to the application of the provisions of said section three to the contract.

SECTION 24. Notwithstanding the provisions of any general or special law to the contrary, prior to the effective date of sections one to twenty-three, inclusive, a governmental body as defined in section three is hereby authorized upon the effective date of this section to procure contracts in conformity with the provisions of said sections one to twenty-three, inclusive. A contract so procured shall be valid, and a procurement which complies with the provisions of said sections one

to twenty-three, inclusive, shall be deemed to comply with provisions of the General Laws affected by said sections one to twenty-three, inclusive, as if said sections were then in effect.

SECTION 25. Sections one to twenty-three, inclusive, of this act shall take effect on May first, nineteen hundred and ninety. Sections twenty-four and twenty-five shall take effect upon their passage.

Emergency Letter: January 19, 1990 @ 3:40 P.M. Approved January 10, 1990.

Chapter 688. AN ACT RELATIVE TO THE RULES AND REGULATIONS GOVERNING SMALL BUSINESSES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 5 of chapter 30A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:- In addition, no rule or regulation so filed, unless filed for the purposes of setting rates within the commonwealth, shall become effective until an agency has filed with the state secretary a statement considering the impact of said regulation on small business. Such statement of consideration shall include, but not be limited, to a description of the projected reporting, record keeping and other compliance requirements of the proposed regulations, the appropriateness of performance standards versus design standards and an identification of all relevant regulations of the promulgating agency which may duplicate or conflict with the proposed regulation.

SECTION 2. Section 6 of said chapter 30A, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

Each issue of the Massachusetts Register shall begin with a table of contents listing the documents contained therein which shall include a brief summary for each document identifying the purpose of any proposed regulations and whether small business is likely to be substantially affected by said regulations.

SECTION 3. Said chapter 30A, as so appearing, is hereby further amended by inserting after section 6C the following two sections:-

Section 6D. The state secretary shall publish, annually, in the first issue of the Massachusetts Register a plan submitted by each executive office containing a list of regulations expected to be promulgated during the next twelve month period. The state secretary shall publish a semi-annual update of said list six months after the initial plan is published. For the purposes of this section, "executive office" shall include the board of regents and the department of education.

Section 6E. If the state secretary finds that any agency fails to comply with any

provision of section six D, he shall report such noncompliance to the governor and the attorney general.

Approved January 10, 1990.

Chapter 689. AN ACT RELATIVE TO SHARED CUSTODY OF CHILDREN.

Be it enacted, etc., as follows:

Chapter 208 of the General Laws is hereby amended by striking out section 31, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 31. For the purposes of this section, the following words shall have the following meaning unless the context requires otherwise:

"Sole legal custody", one parent shall have the right and responsibility to make major decisions regarding the child's welfare including matters of education, medical care and emotional, moral and religious development.

"Shared legal custody", continued mutual responsibility and involvement by both parents in major decisions regarding the child's welfare including matters of education, medical care and emotional, moral and religious development.

"Sole physical custody", a child shall reside with and be under the supervision of one parent, subject to reasonable visitation by the other parent, unless the court determines that such visitation would not be in the best interest of the child.

"Shared physical custody", a child shall have periods of residing with and being under the supervision of each parent; provided, however, that physical custody shall be shared by the parents in such a way as to assure a child frequent and continued contact with both parents.

In making an order or judgment relative to the custody of children, the rights of the parents shall, in the absence of misconduct, be held to be equal, and the happiness and welfare of the children shall determine their custody. When considering the happiness and welfare of the child, the court shall consider whether or not the child's present or past living conditions adversely affect his physical, mental, moral or emotional health.

Upon the filing of an action in accordance with the provisions of this section, section twenty-eight of this chapter, or section thirty-two of chapter two hundred and nine and until a judgment on the merits is rendered, absent emergency conditions, abuse or neglect, the parents shall have temporary shared legal custody of any minor child of the marriage; provided, however, that the judge may enter an order for temporary sole legal custody for one parent if written findings are made that such shared custody would not be in the best interest of the child. Nothing

herein shall be construed to create any presumption of temporary shared physical custody.

In determining whether temporary shared legal custody would not be in the best interest of the child, the court shall consider all relevant facts including, but not limited to, whether any member of the family has been the perpetrator of domestic violence, abuses alcohol or other drugs or has deserted the child and whether the parties have a history of being able and willing to cooperate in matters concerning the child.

If, despite the prior or current issuance of a restraining order against one parent pursuant to chapter two hundred and nine A, the court orders shared legal or physical custody either as a temporary order or at a trial on the merits, the court shall provide written findings to support such shared custody order.

There shall be no presumption either in favor of or against shared legal or physical custody at the time of the trial on the merits.

At the trial on the merits, if the issue of custody is contested and either party seeks shared legal or physical custody, the parties, jointly or individually, shall submit to the court at the trial a shared custody implementation plan setting forth the details of shared custody including, but not limited to, the child's education; the child's health care; procedures for resolving disputes between the parties with respect to child-raising decisions and duties; and the periods of time during which each party will have the child reside or visit with him, including holidays and vacations, or the procedure by which such periods of time shall be determined.

At the trial on the merits, the court shall consider the shared custody implementation plans submitted by the parties. The court may issue a shared legal and physical custody order and, in conjunction therewith, may accept the shared custody implementation plan submitted by either party or by the parties jointly or may issue a plan modifying the plan or plans submitted by the parties. The court may also reject the plan and issue a sole legal and physical custody award to either parent. A shared custody implementation plan issued or accepted by the court shall become part of the judgment in the action, together with any other appropriate custody orders and orders regarding the responsibility of the parties for the support of the child.

Provisions regarding shared custody contained in an agreement executed by the parties and submitted to the court for its approval that addresses the details of shared custody shall be deemed to constitute a shared custody implementation plan for purposes of this section.

An award of shared legal or physical custody shall not affect a parent's responsibility for child support. An order of shared custody shall not constitute grounds for modifying a support order absent demonstrated economic impact that is an otherwise sufficient basis warranting modification.

The entry of an order or judgment relative to the custody of minor children shall not negate or impede the ability of the non-custodial parent to have access to the

academic, medical, hospital or other health records of the child, as he would have had if the custody order or judgment had not been entered; provided, however, that if a court has issued an order to vacate against the non-custodial parent or an order prohibiting the non-custodial parent from imposing any restraint upon the personal liberty of the other parent or if nondisclosure of the present or prior address of the child or a party is necessary to ensure the health, safety or welfare of such child or party, the court may order that any part of such record pertaining to such address shall not be disclosed to such non-custodial parent.

Where the parents have reached an agreement providing for the custody of the children, the court may enter an order in accordance with such agreement, unless specific findings are made by the court indicating that such an order would not be in the best interests of the children.

Approved January 10, 1990.

Chapter 690. AN ACT RELATIVE TO LIQUOR RETAIL ADVERTISING.

Be it enacted, etc., as follows:

Section 24 of chapter 138 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "public", in line 12, the words:- , or such advertising wherein licensees jointly or cooperatively advertise product prices; provided, however, that the number of licensees participating in any such advertisement shall not exceed seven.

Approved January 10, 1990.

Chapter 691. AN ACT RELATIVE TO A SEWER EASEMENT HELD BY THE MASSACHUSETTS WATER RESOURCES AUTHORITY IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, an easement taking by the metropolitan water and sewerage board dated October 10, 1901, for a sewer easement through land situated on Dewson road in the city of Quincy and recorded with the registry of deeds in the county of Norfolk, Book 906 Page 361 is hereby amended to exclude a portion of a certain parcel of land situated on the northerly side of said Dewson road being street number 59 and Lot Number 19 as shown on a plan drawn by E. W. Branch dated September 30, 1947 and recorded in the land registration office of the county of Norfolk, Certificate Number 35638, Volume 179 Page 38.

The portion of said property to be excluded from the aforementioned sewer easement contained in Lot 19 begins at a point on the rear property line of said Lot 19, a distance of 70.35 feet southeasterly from the left-rear property corner, and bounded as follows: Northerly: by land held by the Commonwealth of Massachusetts as shown on the aforementioned plan, a distance of sixteen feet, Northeasterly, a distance of twenty-six feet, Southeasterly, a distance of fourteen feet, Southwesterly, along the southwesterly bound of the said sewer easement, a distance of forty feet to the point of the beginning.

Approved January 10, 1990.

Chapter 692. AN ACT PROVIDING FOR THE CONFIDENTIALITY OF THE RECORDS, REPORTS OR BOOKS OF A HEALTH MAINTENANCE ORGANIZATION.

Be it enacted, etc., as follows:

Section 10 of chapter 176G of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

The records of any such audit, examination or other inspection and the information contained in the records, reports or books of a health maintenance organization shall be confidential and open only to the inspection of the commissioner, his examiners and assistants. Nothing herein shall be construed to prohibit the required production of such records, and information contained in the reports of such health maintenance organization, before any court of the commonwealth or any master or auditor appointed by any such court, in any criminal or civil proceeding, affecting such health maintenance organization, its officers, directors or employees.

The final report of any such audit, examination or other inspection by or on behalf of the division shall be a public record.

Approved January 10, 1990.

Chapter 693. AN ACT PROVIDING AUTHORITY TO THE FIRST JUDGE OF PROBATE IN HAMPDEN COUNTY RELATIVE TO FUNDS HELD IN THE SPRINGFIELD INSTITUTION FOR SAVINGS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule to the

contrary, the first judge of probate in the Hampden county probate court is hereby authorized and directed, which authorization and direction shall include any bank depository holding accounts on behalf of said judge of probate, to pay over all funds held in the name of said first judge of probate, for the benefit of Yankle Flazer Berezin in the Springfield Institution for Savings Account #442127 to the Berezin Fund in care of Heritage Academy, 594 Converse Street, in the town of Longmeadow.

Approved January 10, 1990.

Chapter 694. AN ACT FURTHER REGULATING WINE TASTINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 138 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

A common victualler, who holds a license pursuant to this section may provide on premise sample wine tastings; provided, however, that said licensee does not solicit orders for wine for off premises consumption; and provided, further, that any such wine tasting shall be limited to one ounce per serving and that food shall be served in conjunction with such wine tasting.

SECTION 2. The second paragraph of section 15 of said chapter 138, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following two sentences:- Any such licensee may provide, without charge, on premises sample wine tastings for prospective customers of wine available for sale on such premises; provided, however, that no single serving may exceed one ounce. Any licensee who holds a license according to the provisions of this section may also conduct on premise sample wine tasting in restaurants and function rooms licensed under the provisions of section twelve; provided, however, that the holder of a license pursuant to this section does not solicit orders for off premise consumption; provided, further, that the holder of the license issued pursuant to the provisions of section twelve shall control the dispensing of wine samples on his premises; and provided, further that food shall be served in conjunction with such wine tasting conducted on the premises of the holder of a license issued pursuant to said section twelve.

Approved January 10, 1990.

Chapter 695. AN ACT DIRECTING THE COMMONWEALTH TO CONVEY A CERTAIN PARCEL OF LAND TO THE TOWN OF TEMPLETON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections 40E through 40J of chapter seven of the General Laws or any other general or special law to the contrary, the deputy commissioner of the division of capital planning and operations is hereby authorized to convey any and all right, title and interest the commonwealth may have in the following described real property standing in the name of the Northern Worcester County Welfare District and said right, title and interest shall vest in the town of Templeton upon recording a copy of this act, certified by the state secretary, in the Worcester district registry of deeds by the town clerk which recording shall be effective to convey said title to said town. Said real property is bounded and described as follows:-

A certain tract of land situated on the westerly side of South Road in Templeton and bounded and described as follows:

Commencing at a point in the Easterly line of Wellington Road at a corner of walls and land now or formerly of the Town of Templeton, known as the "School Lot"; thence south 0° 39' W., by the line of said road 100.32 feet to a stake at land now or formerly of on Leonard' thence N. 87° 21' E. by land of said Leonard 372.5 feet to an iron pipe in the westerly line of South Road thence N. 10° 30' W. by the line of said road 99.6 feet to a stake at land now or formerly of the Town of Templeton, known as the "School Lot"; thence S. 87° 32' W. 352.9 feet by said Town of Templeton land to the place of beginning.

Being the premises described in a deed dated August 19, 1961 and recorded in the Worcester district registry of deeds, Book 4218, Page 253.

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

Approved January 11, 1990.

Chapter 696. AN ACT RELATIVE TO THE ISSUANCE OF CERTAIN BONDS BY THE CITY OF PEABODY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter forty-four of the General Laws to the contrary, the maturities of bonds issued by the city of Peabody for extending or enlarging its municipal light plant shall be either arranged so that for each issue the annual combined payments of principal and interest payable in

each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the city treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds shall not be later than one year from the date of issue or one year from the estimated date of commencing regular operation of the projects being financed by that issue, as determined by the manager of the municipal light plant. Project costs to be financed by the issue of the bonds may include the funding of reserves for debt service or other expenses, and may also include interest incurred on any bonds for a period of up to one year after the date of the original borrowing or, if later, one year after the estimated date of commencing regular operation of the project being financed by the issue, as determined by the manager of the municipal light plant. Net earnings derived from investment of the proceeds of the bonds may be expended by the city treasurer to pay interest on the bonds but otherwise shall be used only for construction, equipping, operation or maintenance of the electric system of said city. Except as otherwise provided in this act indebtedness incurred by said city for such projects shall be subject to the applicable provisions of said chapter forty-four.

SECTION 2. The treasurer of the city of Peabody is hereby authorized to establish a debt service fund and a debt service reserve fund, which may be pledged to the payment of bonds issued by the city for municipal light plant purposes. The moneys in each fund and any investments held as part of the fund shall be kept separate from the general funds of the city, shall be held in trust by the treasurer or by a corporate trustee designated by the treasurer, may be invested pursuant to section fifty-five of chapter forty-four of the General Laws, and, with the income derived from such investments, may be used without further authorization or appropriation by the city to pay principal, redemption premium if any, and interest on any general obligation bonds of the city issued for municipal light plant purposes for the payment of which the fund is pledged. Accrued interest received upon the sale of such bonds and the proceeds of such bonds representing capitalized interest on the bonds shall be deposited in the debt service fund. Commencing twelve months plus one business day before each principal installment becomes due on bonds for which a debt service fund established under this act and six months plus one business day before the installment of interest becomes due, there shall also be deposited in the debt service fund each month from the revenues and receipts of the municipal light plant, from all sources other than gifts or grants which by their terms may not be lawfully used for this purpose, an amount equal to one-twelfth of the amount needed to pay the principal installment and one-sixth of the amount needed to pay the interest installment; provided, however, that the payments to be made under this section shall be appropriately adjusted to reflect any accrued or capitalized interest deposited in

the debt service fund, any investment earnings credited or losses charged to the fund, any principal installments payable less than one year from the date of issuance of any bonds or other than annually, any interest payable less than six months from the date of issuance of any bonds or other than at six months' intervals, and any redemption of bonds, so that there will be available on each payment date in the debt service fund the amount necessary to pay the interest and principal and redemption premium if any due or coming due on the bonds and so that accrued or capitalized interest will be applied to the installments of interests to which they are applicable. The amount in any debt service reserve fund shall not exceed ten percent of the aggregate outstanding principal amount of bonds for the payment of which such fund is pledged. Subject to any limitation imposed by law, the city shall be required to fix and collect rates and charges which together with any available moneys shall provide moneys sufficient at all times to make the required payments to any debt service fund and any debt service reserve fund established under this act as they come due, and to satisfy all other obligations to be paid from its municipal light plant revenues in a timely fashion.

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

Approved January 11, 1990.

Chapter 697. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF WINE AND MALT BEVERAGES IN THE TOWN OF PEPPERELL.

Be it enacted, etc., as follows:

SECTION 1. The following question shall be placed upon the official ballot to be used for the election of town officers at the annual town election for the town of Pepperell to be held in the year nineteen hundred and ninety

"Shall licenses be granted in the town of Pepperell for the sale therein of wine and malt beverages (wines and beer, ale and all other malt beverages) to be drunk on the premises?"

YES NO

If a majority of the votes cast in said town in answer to said question is in the affirmative, said town shall be taken to have authorized, for the nineteen hundred and ninety calendar year the sale of wine and malt beverages to be drunk on the premises.

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

Approved January 11, 1990.

Chapter 698. AN ACT LIMITING INCREASES IN PUBLIC UTILITY RATES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the department of public utilities is hereby authorized and directed to revise the electric rate increase authorized by the department in D.P.U. 88-135/151 and D.P.U. 89-61 to be charged by the Commonwealth Electric Company to the extent necessary to limit the increase to any rate payers, class or classes of rate payers to not more than seven percent per year, such revision to become effective with respect to meter readings made after January 31, 1990; provided, however, that such revision shall not reduce the amount of annual revenues allowed to the Commonwealth Electric Company in D.P.U. 88-135/151 and D.P.U. 89-61; and further provided that this act shall not apply to any increase in the purchased power or fuel cost charges.

Approved January 11, 1990.

Chapter 699. AN ACT ENLARGING THE TERRITORY OF THE WARREN WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 390 of the acts of 1920 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The inhabitants of the town of Warren who reside within and are liable to taxation on real estate situated within the territory comprised within the following boundary lines, to wit. Starting at the intersection of the center line of the West Brookfield Road, route 67, and the center line of Patrick Road; we are thence running westerly to the intersection of the center line of Coy Hill Road and the center line of Reynolds Road; thence continuing westerly to the easterly boundary line of West Warren Water District at a point in said easterly boundary line distant 1,000 feet northerly measured along said easterly boundary line from the center line of Old West Warren Road; thence southerly along said easterly boundary line to the center line of Route 67, also called West Main Street; thence continuing southerly along said easterly boundary line to the southerly side line of the Conrail Railroad right of way; thence southeasterly to a point in the center line of Reed Street distant 1,500 feet southerly from and measured along said center line of Reed Street from its intersection with the center line of Bridge Street; thence

continuing southerly along the same course to a center line of Brimfield Road, Rte 19; thence running easterly to a point in the center line of Bemis road at the westerly corner of Lot 10 shown on a plan of Land recorded with Worcester District Registry of Deeds in Plan Book 470, Plan 82; thence southerly and easterly along said land shown in Plan Book 470, Plan 82 to the center line of Southbridge Street; thence northerly to a point in the center line of East Street at the southwesterly corner of land of Elizabeth Willis, distance approximately 820 feet easterly from the intersection of East Street and the northerly line of Washington Street; thence northerly to the place of beginning, shall constitute a water district, and are hereby made a body corporate by the name of the Warren Water District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, for assessing and raising taxes for payment of such services, and for defraying the necessary expenses to carry on the business of said District.

Section 2. This act shall take effect upon its acceptance within one year at a meeting of the Warren Water District at which persons constituting the Water District as herein established shall be entitled to vote. Upon acceptance as provided herein the redefined Warren Water District shall be the corporate successor to the former Warren Water District and shall succeed to all property, liabilities and contracts of the Warren Water District as previously established.

Approved January 11, 1990.

Chapter 700. **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 in the town of Eastham, by the Honorable James P. O'Neil, who is a judge of the district court department of the trial court, Barnstable division, on May sixth, nineteen hundred and ninety, between Pamela V. Marshall and Howard M. Paulofsky, both of the town of Orleans, and the state secretary shall issue to said Honorable James P. O'Neil in his capacity as aforesaid a certificate of such authorization.

Approved January 11, 1990.

Chapter 701. **AN ACT AUTHORIZING THE TOWN OF TRURO TO HOLD TOWN MEETINGS IN THE TOWN OF PROVINCETOWN.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Truro may hold its annual and special town meetings and any adjournments thereof in a public building in the town of Provincetown.

Approved January 11, 1990.

Chapter 702. **AN ACT EXEMPTING THE MAINTENANCE OF SCHOOL BUILDINGS AS A RESPONSIBILITY OF THE BOARD OF PUBLIC WORKS IN THE CITY OF HOLYOKE.**

Be it enacted, etc., as follows:

The first paragraph of section 37 of chapter 438 of the acts of 1896 is hereby amended by striking out clause *(b)* and inserting in place thereof the following clause:-

(b) of the construction, alteration, repair and care of public buildings excluding all school buildings;.

Approved January 11, 1990.

Chapter 703. **AN ACT AUTHORIZING BRISTOL COUNTY TO BORROW MONEY FOR RENOVATIONS AND REPAIRS TO COUNTY COURTHOUSE FACILITIES.**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Bristol county are hereby authorized to raise and expend a sum not exceeding one million three hundred thousand dollars to finance costs of renovations and repairs to courthouse facilities of the county. Sums heretofore advanced temporarily by the county for such purposes in anticipation of the permanent financing of such costs shall be deposited in the county treasury.

SECTION 2. For the purposes authorized by section one of this act, the treasurer of Bristol county, with the approval of the county commissioners and the advisory board on county expenditures, may borrow upon the credit of the county

such sums as may be necessary, not exceeding, in the aggregate, one million three hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words Bristol County Courthouse Renovations Loan, Act of 1989. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions and in such manner as the county treasurer, with the approval of the county commissioners, may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

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

Approved January 11, 1990.

Chapter 704. **AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO BORROW MONEY TO MAKE CERTAIN IMPROVEMENTS TO COUNTY OWNED BUILDINGS.**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex county are hereby authorized to spend such sums as may be necessary not exceeding seven million four hundred and fifty thousand dollars for the purpose of upgrading the mechanical, electrical, safety, structural condition and grounds of county-owned buildings, including architectural and engineering fees and other costs connected therewith.

SECTION 2. For the purposes authorized by section one, the treasurer of Middlesex county, with the approval of the county commissioners and the advisory board on county expenditures, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, seven million four hundred and fifty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Middlesex County Buildings Repair and Renovations Loan, Act of 1989. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than twenty years from their dates. Said bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at a public sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter

thirty-five of the General Laws.

SECTION 3. For the purposes authorized by section one, the county commissioners, with the approval of the advisory board on county expenditures, may, on an annual basis, specify upgrade projects. For the purposes authorized by section one, the county commissioners, with the approval of the advisory board executive committee may approve emergency upgrade projects.

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

Approved January 12, 1990.

Chapter 705. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF FRANKLIN.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Franklin which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 2-1-2- and inserting in place thereof the following section:-

Section 2-1-2-. The council shall be comprised of eleven members. One council member shall be nominated and elected from each of the precincts of the town, and the balance of the members shall be nominated and elected from the town at large, 11 for two year overlapping terms of office.

At the annual election to be held in the year nineteen hundred and ninety-one the election for town councillor at large shall take place in the following manner, the three candidates for councillor at large receiving the highest number of votes shall serve for a two year term, the candidate receiving the next highest number of votes shall serve for a one year term.

At the annual election to be held in the year nineteen hundred and ninety-two the three candidates for precinct councillor elected with the highest number of votes shall serve for two year terms and the other two elected precinct councillors shall serve for one year terms.

In each year thereafter all candidates shall be elected for two year terms.

SECTION 2. Said charter is hereby further amended by striking out section 2-2-1 and inserting in place thereof the following section:-

Section 2-2-1. Any registered voter of the town shall be eligible for election to town council membership. However, no person holding an elective office of the town as established in general law, article three of this charter, or bylaw, shall take the oath or affirmation of office as a town councillor.

SECTION 3. Section 2-3-1 of said charter is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- At the first

council meeting following each regular town election, the council shall choose from its membership a chairman and vice-chairman each to serve for a one year term of office.

SECTION 4. Section 2-4-2 of said charter is hereby amended by striking out in line 2 the word "proceedings" and inserting in place thereof the following:- proceedings,.

SECTION 5. Said charter is hereby further amended by striking out section 2-4-4 and inserting in place thereof the following section:-

Section 2-4-4. The council shall appoint the following: (a) a town administrator, as provided in article four; (b) a chairman and vice-chairman of the council as provided in section 2-3-1; (c) a clerk of the council, as provided in section 2-3-2; (d) a finance committee, as provided in article six; (e) a town attorney; and (f) a three member licensing board from among its membership.

SECTION 6. Said charter is hereby further amended by striking out section 2-7-1 and inserting in place thereof the following section:-

Section 2-7-1. In addition to other acts required by statute or this charter to be accomplished through bylaw, those acts of the town council shall be through bylaw which: (a) adopt or amend administrative bylaws or establish, alter, or abolish any town department, office or agency; (b) provide for a fine or other penalty, or establish a rule or regulation for the violation of which a fine or other penalty is imposed; and (c) establish all fees which are not set by general law.

SECTION 7. Said charter is hereby further amended by striking out section 3-1-1- and inserting in place thereof the following section:-

Section 3-1-1. Members of town boards to be elected by the qualified voters of the town shall be, in addition to the town council: (a) seven members of a school committee, (b) three members of a board of assessors, (c) three members of a board of health, and (d) five members of a planning board, all to be elected from the town at large for three year overlapping terms of office.

SECTION 8. Said charter is hereby further amended by striking out section 3-1-2 and inserting in place thereof the following section:-

Section 3-1-2. Officers of the town to be elected at large for three year terms of office shall be: (a) a town clerk, (b) a town treasurer-collector, and (c) three constables.

SECTION 9. Said charter is hereby further amended by striking out section 4-1-1 and inserting in place thereof the following section:-

Section 4-1-1. The town council, by a majority vote of its full membership, shall appoint a town administrator who shall administer and implement the directives and policies adopted by the town council. The council shall fix the administrator's compensation within limits of an appropriation adopted for that purpose. The salary, benefits, and terms and conditions of employment and the procedures for dismissal shall be negotiated between the town council and the administrator.

SECTION 10. Section 4-2-1 of said charter is hereby amended by striking out

in line 1 the words "executive and".

SECTION 11. Said charter is hereby further amended by striking out sections 4-2-4 and 4-2-5 and inserting in place thereof the following section:-

Section 4-2-4. Subject to ratification by the town council, the administrator shall appoint, on the basis of merit and fitness alone:(a) a fire chief, a police chief, a director of public works, a town accountant, a director of civil defense, all inspectors except as otherwise provided by general law, and three registrars of voters; (b) nine members of a council on aging, seven members of a conservation commission, seven members of an historical commission, and three members of a zoning board of appeals, all for three year overlapping terms of office; (c) fifteen members of an industrial and development commission, and five members of an industrial development financing authority, all for five year overlapping terms of office; (d) six members of a library board of trustees for three year overlapping terms; (e) four members of a housing authority and four members of a redevelopment authority, all for five year overlapping terms of office with the fifth member of each board to be appointed under the authority of the commonwealth; (f) three members of a handicapped affairs committee for three year overlapping terms; and (g) members of such other boards, commissions, committees, and individual town officers as are authorized by general law, this charter, or bylaw, and for whom appointment is not otherwise provided.

SECTION 12. Said charter is hereby further amended by striking out sections 4-3-1, 4-3-2 and 4-3-3 and inserting in place thereof the following section:-

Section 4-3-1. Final removal of any town administrator shall be effected by a majority vote of the full town council at an open council meeting.

SECTION 13. Section 5-1-1 of said charter is hereby amended by striking out in line 3 the word "April" and inserting in place thereof the word October.

SECTION 14. Section 5-2-3- of said charter is hereby amended by striking out in line 4 the word "fourteen" and inserting in place thereof the word thirty-five.

SECTION 15. Said charter is hereby further amended by striking out section 5-3-3- and inserting in place thereof the following section:-

Section 5-3-3. If, within seven days following receipt of the petition the town clerk shall determine it to contain a sufficient number of valid signatures, provision shall be made for a referendum to be held within thirty-five days thereafter.

SECTION 16. Said charter is hereby further amended by striking out section 6-2-1 and inserting in place thereof the following section:-

Section 6-2-1. A finance committee of eleven members shall be appointed by the town council for one year terms of office. At least one member shall be appointed from each of the precincts of the town. The finance committee shall elect from its membership, for one year terms of office, a chairman, a vice chairman, and a clerk. The town accountant and the town treasurer-collector shall have ex-officio membership, without voting rights, on the committee. No elected or appointed town officer, or compensated town employee who serves in more than part time

employment, shall serve on the committee. Committee members shall serve without compensation, with the exception of the clerk, provided the council shall appropriate a sum for the purpose of compensating the clerk.

SECTION 17. Said charter is hereby further amended by striking out Article Eight.

SECTION 18. This act shall be submitted to the voters of the Town of Franklin in the form of the following seven (7) questions which shall be placed on the ballot at a regular or special town election to be held in the year nineteen hundred and ninety and each of which shall be followed by a brief summary prepared by counsel of the Town.

"Shall Section 1 of an act passed by the general court in the year nineteen hundred and ninety, entitled 'An act relative to the charter of the Town of Franklin' be accepted?"

"Shall Sections 2, 3, 4, 6, 7, 8, 10, 13, 14, 15, 16 and 17 of an act passed by the general court in the year nineteen hundred and ninety, entitled 'An act relative to the charter of the Town of Franklin' be accepted?"

"Shall Section 5 of an act passed by the general court in the year nineteen hundred and ninety, entitled 'An act relative to the charter of the Town of Franklin' be accepted?"

"Shall Section 9 of an act passed by the general court in the year nineteen hundred and ninety, entitled 'An act relative to the charter of the Town of Franklin' be accepted?"

"Shall Section 11 of an act passed by the general court in the year nineteen hundred and ninety, entitled 'An act relative to the charter of the Town of Franklin' be accepted?"

"Shall Section 12 of an act passed by the general court in the year nineteen hundred and ninety, entitled 'An act relative to the charter of the Town of Franklin' be accepted?"

If a majority of the votes cast in answer to any one of said questions is in the affirmative, the section or sections of this act therein referenced shall take effect, but not otherwise.

SECTION 19. This act shall take effect upon its passage.

Approved January 12, 1990.

Chapter 706. AN ACT FURTHER REGULATING THE LEASING OF CERTAIN SCHOOL PROPERTY.

Be it enacted, etc., as follows:

Section 3 of chapter 40 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second paragraph and inserting in

place thereof the following two paragraphs:-

Notwithstanding the provisions of this section, a city or town, with the approval of the school committee, may rent or lease any school building not in actual use and, with the approval of the commissioner of education, surplus space in a school building in actual use to any one or more public or private profit-making businesses or nonprofit organizations; provided, however, that joint occupancy of a school building in actual use as such shall not interfere with educational programs being conducted in said building. The terms of any such rental or lease shall be as approved by the school committee; provided, however, that no school building not in actual use shall be rented or leased for an initial term longer than ten years, but with renewal options if approved by the school committee.

The monies received from such rental or lease shall be kept separate and apart from other city or town funds in the city or town treasury and may be expended by the school committee without further appropriation for the upkeep of the facility so rented or surplus space which is so rented; provided, however, that any balance remaining in such account at the close of a fiscal year shall be paid into the General Fund of such city or town.

Approved January 12, 1990.

Chapter 707. **AN ACT AUTHORIZING UPGRADE OF OXFORD-ROCHDALE SEWER DISTRICT WASTEWATER TREATMENT FACILITY AND CONSTRUCTION OF SLUDGE PROCESSING AND DISPOSAL FACILITY AND SPECIFYING PROCEDURES FOR AWARDING CONTRACT.**

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 250 of the acts of 1957, as most recently amended by section 1 of chapter 75 of the acts of 1976, is hereby further amended by striking out the first sentence and inserting in place thereof the following two sentences:- For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time, within forty years after the passage of this act, borrow such sums as may be necessary, not exceeding, in the aggregate, ten million dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Oxford-Rochdale Sewerage Loan, Act of 1957. Without in any way limiting the generality of the foregoing, the district is hereby authorized to expend for the design and construction, including equipment, of the addition of a tertiary wastewater treatment facility to the Oxford-Rochdale wastewater treatment facility and a sludge processing and disposal facility in conjunction therewith collectively referred to as the "Water Treatment Project".

SECTION 2. The provisions of sections thirty-eight A 1/2 to thirty-eight 0, inclusive, of chapter seven and the provisions of section forty-four A, section forty-four B, and sections forty-four D to forty-four I, inclusive of chapter one hundred and forty-nine of the General Laws shall not apply to contracts procured pursuant to this act.

SECTION 3. The district may, except for the design/build expert referred to in sections two and three hereof, contract with a single entity to perform design and construction services with respect to the Water Treatment Project. The entity may be either a contractor in a joint venture relationship with an engineer, a design-build firm, or any other entity acceptable to the district.

If the district contracts with a single entity to perform both design and construction services, the district shall follow the procedure set forth in sections two, three and four of this act.

SECTION 4. The district shall submit a request for proposals for design/build contracts with respect to the Water Treatment Project only to qualified offerors. To determine the qualified offerors, the district shall issue a request for qualifications. The request for qualifications shall include: the time and date for receipt of the statements of qualifications, the address of the office to which such statements of qualifications are to be delivered, and the maximum time for acceptance of statements of qualifications by the district; the scope of the design/build project, including the performance criteria for the Water Treatment Project; and all criteria relevant to the selection of qualified offerors for the Water Treatment Project. Each statement of qualifications shall describe the experience of each member of the design/build team with projects of the same or a similar nature, and shall provide such financial information, including bonding ability, as may be relevant to the qualifications of such design or build team for such project, and such other information as may be specifically requested in the request for qualifications. Public notice of the request for qualifications shall be published at least once, not less than fourteen days prior to the time specified in such notice for the receipt of statements of qualifications, in the central register published by the state secretary, and in such other newspapers and trade periodicals as are reasonable and customary for the advertisement of construction contracts.

The district shall contract with a qualified individual or firm for the preparation of the request for qualifications and the evaluation of the statements of qualifications pursuant to this section, and the preparation of the request for proposals and the evaluation of the proposals pursuant to section three of this act.

The design/build expert shall prepare its evaluation based solely on the criteria set forth in the request for qualifications, and shall select not more than six design/build teams for participation in the remaining phases hereinafter described. The design/build expert may interview all prospective offerors prior to designating the qualified offerors. The district shall, based upon the recommendations of the design/build expert, certify the qualified offerors and notify the qualified offerors

of such certification.

SECTION 5. The district shall procure the Water Treatment Project as authorized by this act utilizing sealed competitive proposals. The district shall solicit proposals through a request for proposals. The design/build expert shall develop the request for proposals, which shall include: 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 district; the quality and performance criteria for the Water Treatment Project, including but not limited to daily volume capacity, required effluent characteristics, and site dimension and conditions; 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 designing and constructing the Water Treatment Project.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where qualified 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 qualified offerors shall submit the price. The request for proposals shall also specify that a bid bond in an amount equal to twenty percent of the proposed contract price shall accompany the proposal. The district shall make copies of the request for proposals available to all qualified offerors on an equal basis.

The district 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 district 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 district may open the price proposals at a later time, and may open the price proposals so as to avoid disclosure to the design/build expert evaluating the proposals on the basis of criteria other than price.

The design/build expert shall prepare its evaluations of the proposals 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 such rating; and a composite rating for each proposal, and the reasons for such composite rating.

The district shall unconditionally accept a proposal except as provided in 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 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 district or fair competition. The district 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 district 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 district 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 district shall determine the most advantageous proposal from a qualified offeror, taking into consideration price and the evaluation criteria set forth in the request for proposals, and 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 district awards the contract to an offeror which did not submit the lowest price, the district shall explain the reasons for the award in writing, which writing shall be open for public inspection, specifying in reasonable detail the basis for determining that the quality of the Water Treatment Project under the contract will not exceed the district's requirements 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 district a performance bond satisfactory to the district.

SECTION 6. After the district designates the qualified offeror selected for the contract, other qualified offerors which were not selected shall be entitled to have conferences with the district or the design/build expert, during which the district or such design/build expert shall describe the relative strengths and weaknesses of each qualified offeror's proposal. The district shall also make public a report of its findings and a summary of the process by which it arrived at its findings. The district shall also prepare and file with the clerk of the house and the clerk of the senate within sixty days after the end of each fiscal year of the district a report of the district's operations under the provisions of this act. In addition, the district shall maintain as part of its public records, for a period of no less than five years, available for inspection at any reasonable time by any person, all documentation submitted and received by it under the provisions of this act.

Approved January 12, 1990.

Chapter 708. **AN ACT REGULATING THE LIABILITY OF REPRESENTATIVES OF THE STATE LONG TERM CARE OMBUDSMAN PROGRAM.**

Be it enacted, etc., as follows:

Chapter 19A of the General Laws is hereby amended by inserting after section 33 the following section:-

Section 33A. Neither the state long term care ombudsman, or his designees, any employee of a designated local ombudsman program working directly for such designee, nor any local ombudsman certified by the department in accordance with section twenty-nine and acting for a designated local ombudsman program, whether on a compensated or volunteer basis shall be liable in any civil or criminal action by reason of the good faith performance of his official duties.

No person shall willfully interfere with a representative of the state long term care ombudsman program in the good faith performance of his official duties as defined in regulations of the executive office of elder affairs. For the purposes of this section a representative of the state long term care ombudsman program shall include the state long term care ombudsman, his designees, employees of a designated local ombudsman program working directly for such designee, and any certified local ombudsman. In the event that such willful interference occurs, the state long term care ombudsman may petition the superior court department to enjoin such interference, and grant appropriate relief.

No long term care facility or other entity shall retaliate against any resident or employee of such facility or entity who in good faith filed a complaint with, or provided information to the state long term care ombudsman, his or her designees, or any certified local ombudsman. A long term care facility which retaliates against such resident or employee for having filed a complaint with, or having provided information to the state long term care ombudsman, his or her designee, or any certified local ombudsman shall be liable to the person so retaliated against by a civil action for up to treble damages, costs, and attorneys fees.

Approved January 12, 1990.

Chapter 709. **AN ACT FURTHER REGULATING CONDOMINIUM CON VERSIONS.**

Be it enacted, etc., as follows:

SECTION 1. The definition of "Condominium or cooperative conversion

eviction" in section 3 of chapter 527 of the acts of 1983 is hereby amended by adding the following paragraph:-

For purposes of this definition, the word "eviction" shall include, without limitation, any action by an owner of a housing accommodation which causes substantial deprivation of a tenant's beneficial use of such housing accommodation, materially impairs such tenant's beneficial enjoyment of such housing accommodation, or is intended to compel such tenant to vacate or to be constructively evicted from such housing accommodation. An eviction shall be presumed to be a condominium or cooperative conversion eviction if the owner has the intent to convert, as defined herein.

SECTION 2. Said section 3 of said chapter 527 is hereby further amended by inserting after the definition of "Condominium or cooperative conversion eviction" the following definition:-

"Convert", the initial offer, in any manner, for sale and transfer of title to any residential unit as one or more condominium units pursuant to an individual unit deed or deeds or, in the case of a cooperative, an individual proprietary lease or leases.

SECTION 3. The definition of "Housing accommodation" in said section 3 of said chapter 527 is hereby amended by striking out, in line 1, the word ", structure" and inserting in place thereof the following words:- or buildings, structure or structures.

SECTION 4. Said definition of "Housing accommodation" in said section 3 of said chapter 527 is hereby further amended by striking out clause *(iii)* and inserting in place thereof the following clause:-

(iii) buildings containing fewer than four residential units, except for buildings which are part of a housing development as defined herein.

SECTION 5. Said section 3 of said chapter 527 is hereby further amended by inserting after the definition of "Housing accommodation" the following two definitions:-

"Housing development", two or more adjacent, adjoining, or contiguous buildings under common legal or beneficial ownership which are used in whole or in part for residential purposes, and which contain four or more units.

"Intent to convert", the intent to make the initial sale and transfer of title to a residential unit as one or more condominium or cooperative units pursuant to an individual unit deed or deeds, or, in the case of a cooperative, a proprietary lease or leases. Factors which shall be considered in determining whether an owner has the intent to convert are:

(i) a master deed or articles of organization for the housing accommodation has been prepared or recorded;

(ii) the owner of the housing accommodation has prepared or is in the process of preparing a purchase and sale agreement for the sale of any unit as a condominium or cooperative unit;

(iii) the owner has advertised for sale any unit in the housing accommodation as a condominium or cooperative unit;

(iv) the owner has shown to any prospective purchaser a unit in the housing accommodation for the sale of such unit as a condominium or cooperative unit;

(v) the owner has made any communication, written or oral, to any person residing in the housing accommodation expressly indicating an intent to sell any unit as a condominium or cooperative unit;

(vi) the owner has had any unit in the housing accommodation measured or inspected to facilitate the sale of the unit as a condominium or cooperative unit; and

(vii) the owner has had the land surveyed, an engineering study performed or architectural plans prepared for the purpose of converting such housing accommodation into one or more condominium or cooperative units.

SECTION 6. Said section 3 of said chapter 527 is hereby further amended by inserting after the definition of "Low or moderate income tenant" the following definition:-

"Owner", a person who holds title in any manner to a building or housing accommodation, including without limitation, a corporation, partnership or trust, and an employee, agent, servant or other representative of such owner.

SECTION 7. Said section 3 of said chapter 527 is hereby further amended by adding the following definition:-

"Unit" or "residential unit", the room or group of rooms within a building which is used or intended for use as a residence by one household.

SECTION 7A. Clause *(i)* of paragraph *(a)* of section 4 of chapter 527 of the acts of 1983 is hereby amended by striking out the words "or intends to file", each time it appears.

SECTION 8. Clause *(ii)* of paragraph *(a)* of section 4 of said chapter 527 is hereby amended by striking out, in line 2, the words "building or buildings" and inserting in place thereof the words:- unit or units.

SECTION 9. Said paragraph *(a)* of said section 4 of said chapter 527 is hereby further amended by striking out clause *(iii)* and inserting in place thereof the following two clauses:-

(iii) that any tenant residing on the date of notice of intent is given in a unit to be converted shall have a period of time, which shall be stated in the notice as authorized by this act, to purchase such unit occupied by the tenant on the date such notice is received on terms and conditions which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety days following the expiration of said tenant's right to purchase as may be required by paragraph *(b)*;

(iv) a statement of the rights and obligations specified in paragraphs *(c)*, *(d)* and *(e)*.

SECTION 10. Said paragraph *(a)* of said section 4 of said chapter 527 is hereby

further amended by inserting after the first paragraph the following paragraph:-

If the owner of a housing development intends to convert the buildings in such housing development to the condominium or cooperative form of ownership, but intends to sell or offer for sale units in only a portion of the buildings in such development within one year after the owner forms the intent to convert such development, the owner shall give to each tenant in any unit which he does not intend to sell or offer for sale within such one year period, a notice which informs such tenant of the date when the owner reasonably expects to offer for sale or sell such unit. Thereafter, the owner shall give to each such tenant the notice of intent to convert as required by the first sentence of this paragraph.

SECTION 11. Said paragraph *(a)* of said section 4 of said chapter 527 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

All notices required under this section, except as otherwise provided in this paragraph, regarding certain housing developments, shall be given to tenants at the time the owner of a building or housing development converts any part of such property and shall be deemed to have been given when a written notice is delivered in person or mailed by certified or registered mail, return receipt requested, to the party to whom the notice is being given.

SECTION 12. Said paragraph *(a)* of said section 4 of said chapter 527 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

No person shall seek or conduct a condominium or cooperative eviction until the expiration of the periods of time for notice to tenants specified in this act.

SECTION 13. Paragraph *(b)* of said section 4 of said chapter 527 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any owner of a residential unit who converts such unit to the condominium or cooperative form of ownership shall give to any tenant who is entitled to receive the notice of intent to convert as required by the first sentence of paragraph *(a)* pursuant to this section the right to purchase the housing accommodation occupied by such tenant at the time such notice is delivered on terms and conditions which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety days following the expiration of said tenant's right to purchase.

SECTION 14. Paragraph *(c)* of said section 4 of said chapter 527 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The owner, as of the date the tenant vacates the unit, of a unit converted to the condominium or cooperative form of ownership shall pay to any tenant of such unit who is entitled to receive notice of the owner's intent to convert as required by the first sentence of paragraph *(a)* pursuant to this section and who does not purchase the housing accommodation which he occupies or another housing accommodation in the same building or buildings relocation benefits for

the actual, documented costs of moving, not to exceed seven hundred and fifty dollars per housing accommodation; provided, however, that if such housing accommodation is occupied in whole or in part by a handicapped tenant or is occupied by an elderly or low or moderate income tenant, the maximum relocation benefit shall not exceed one thousand dollars per housing accommodation.

SECTION 15. The second sentence of said paragraph *(c)* of said section 4 of said chapter 527 is hereby amended by striking out, in lines 9 and 10, the words "for which recovery of possession is sought".

SECTION 16. Said section 4 of said chapter 527 is hereby further amended by striking out paragraph *(d)* and inserting in place thereof the following paragraph:-

(d) Any owner of a condominium or cooperative unit during the period of the notice authorized by this section shall assist elderly, handicapped and low or moderate income tenants who qualified as such as of the date of receipt of the notice authorized pursuant to this section locating, within the period of the notice to such tenants,comparable rental housing within the same city or town in which such tenants resides which rents for at least the remainder of the notice period, for a sum which is equal to or less than the sum which such tenant had been paying for the housing accommodation occupied at the time of receipt of the notice authorized by this section. The failure of the owner of such residential property to find such substitute housing accommodation shall extend the period of notice until the owner locates such comparable rental, housing, or two additional years, whichever occurs first.

SECTION 17. Paragraph *(e)* of said section 4 of said chapter 527 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any owner of a unit converted to the condominium or cooperative form of ownership as of the expiration date of the rental agreement for the tenant of such unit, shall give to any tenant of such unit who is entitled to receive a notice of intent to convert as required by the first sentence of this paragraph, an extension of such rental agreement until the expiration of the notice period or ninety day right to purchase period, whichever is later.

SECTION 18. Said paragraph *(e)* of said section 4 of said chapter 527 is hereby further amended by striking out the third sentence and inserting in place thereof the following two sentences:- The provisions of such rental agreement may not otherwise be modified by the property owner except with respect to the amount of annual rent. The total increase in rent for any one year during the period of notice shall not exceed an amount equal to the sum which would result by multiplying said rent by the percentage increase in the consumer price index for all urban consumers as published by the United States Department of Labor, Bureau of Labor Statistics, during the calendar year immediately preceding the date of receipt of the notice of intent to convert, or ten percent, whichever is less; provided, however, that nothing herein shall limit the right of a property owner to any amounts which may be due under a valid tax escalation clause.

SECTION 19. Said section 4 of said chapter 527 is hereby further amended by adding the following paragraph:-

(f) The rights specified in paragraphs *(a), (b), (c), (d)* and *(e)* for tenants in a building or housing development, except as otherwise provided in paragraph *(a)* regarding certain housing developments, shall vest with such tenants at the time that the owner converts any unit in such property to the condominium or cooperative form of ownership.

SECTION 20. Section 5 of said chapter 527 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The district and superior courts, and the housing courts in the commonwealth, shall have jurisdiction over an action arising from any violation of this act, or any ordinance, or by-law adopted pursuant to this act, and shall have jurisdiction in equity to restrain any such violation.

SECTION 21. Said chapter 527 is hereby further amended by adding the following section:-

Section 8. If a tenant who is entitled to receive the notice of intent to convert as required by section four vacates the residential unit before the initial sale and transfer of title to the residential unit as a condominium unit has occurred, then the owner of the building or housing development shall give each prospective tenant of the residential unit written notice, prior to the inception of the tenancy, which informs the prospective tenant that the unit is a condominium unit and if applicable, that the unit is currently being offered for sale or will be offered for sale within ninety days of the inception of the tenancy.

SECTION 22. Section 22 of chapter 183A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "owners", in line 3, the words:- and to the tenants.

Approved January 12, 1990.

Chapter 710. AN ACT RELATIVE TO MUNICIPAL SEWER CONTRACTS.

Be it enacted, etc., as follows:

Section 4 of chapter 40 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

For the construction of sewers, sewage systems and sewage treatment and disposal facilities, for making connections thereto and for the collection, treatment and disposal of septage and sewage, with one or more other governmental units as defined in section four A, or with private parties who own, use or operate such facilities for sewage and septage collection, treatment and disposal, for a period

facilities for sewage and septage collection, treatment and disposal, for a period not exceeding thirty years; provided, however, that such contract has been authorized by majority vote as defined in section one of chapter forty-four, and the terms thereof have been approved by the emergency finance board. Such contracts shall not be subject to annual appropriations unless the contract provides otherwise.

Approved January 12, 1990.

Chapter 711. AN ACT RELATIVE TO JUSTICES OF THE PEACE.

Be it enacted, etc., as follows:

SECTION 1. Section 39 of chapter 207 of the General Laws is hereby amended by adding the following paragraph:-

In addition to the foregoing, the governor may designate any other person to solemnize a particular marriage on a particular date and in a particular city or town, and may for cause at any time revoke such designation. The state secretary, upon the payment to him of two hundred and fifty dollars by said other person, shall issue to said person a certificate of such designation. Such certificate shall expire upon completion of such solemnization.

SECTION 2. Section 58 of said chapter 207, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "language", in line 5, the words:- and any present or former professional affiliation.

SECTION 3. Section 35 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "thirty-five" and inserting in place thereof the word:- forty-five.

SECTION 4. Said section 35 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 3, the word "fifty" and inserting in place thereof the word:- sixty.

SECTION 5. Said section 35 of said chapter 262, as so appearing, is hereby further amended by adding the following three sentences:- Nor shall any additional charge be made by a justice of the peace, for providing flowers, for providing music, for providing a photographer, for providing a location where the marriage ceremony takes place, or for providing an unofficial certificate of marriage. Additional charges are allowable for prenuptial counseling conferences, rehearsals, and other other special requests by the couples whose marriage is being solemnized; provided, however, that the amount of these additional charges must be disclosed in writing to the couple whose marriage is being solemnized at least forty-eight hours prior to the rendering of these services. The total fee for lawfully solemnizing and certifying a marriage shall not exceed the fee limit fixed for sol-

emnizing and certifying a marriage in a justice of the peace's home community where a municipal employee who is also a justice of the peace solemnizes a marriage in a municipal building at a time when said building is regularly open for business.

Approved January 12, 1990.

Chapter 712. **AN ACT FURTHER REGULATING THE DUTIES OF THE POLLUTION LIABILITY REINSURANCE CORPORATION.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 175G of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the definition of "Pollution liability insurance policies acceptable for reinsurance under this chapter" and inserting in place thereof the following definition:-

"Pollution liability insurance policies acceptable for reinsurance under this chapter", those policies of pollution liability insurance providing coverage for bodily injury and property damage to third parties caused by either unintended and unanticipated releases or by releases whose consequences were unintended and unanticipated, but shall not include first party clean-up costs, or the clean-up of any waste facility whether owned or operated by the insured or by a third party, even if ordered by a governmental agency, except as part of property damage liability to a third party; provided, however, that policies accepted for reinsurance by the Corporation shall contain a prevention of loss provision substantially equivalent to the following:

In the event the insured becomes aware of incidents or conditions which may result in a claim covered by this policy, it shall undertake such operations as are necessary to alleviate such incidents or conditions and shall notify the insurer within forty-eight hours of commencing such operations. If the insured fails to undertake such operations, this policy shall not afford coverage for such claim. The insurer shall have no liability for or duty to reimburse the insured for the costs of such operations undertaken to prevent a claim covered by this policy.

In the discretion of the Corporation, pollution liability insurance policies acceptable for reinsurance under this chapter may include policies providing completed operations liability coverage for pollution clean-up contractors licensed by the department of environmental quality engineering; provided that such policies shall be issued only on a job-by-job site-specific basis subject to strict underwriting standards and inspections of completed work.

Pollution liability insurance policies acceptable for reinsurance under this chapter shall be limited to policies covering only claims against the insured arising within the commonwealth resulting from disposal, discharge, release or escape of

materials from an insured site of an approved waste facility in the commonwealth. Claims for injuries or damage to persons or property outside the commonwealth resulting from release or escape of materials within the commonwealth will be deemed claims arising within the commonwealth. Claims for injuries or damage arising out of wastes originating within the commonwealth but shipped by, or on behalf of, an insured within the commonwealth to an approved waste facility outside the commonwealth will be deemed claims arising within the commonwealth; but in any claim seeking to recover against such an insured and others under joint and several liability, the reinsurance shall extend only to that portion of the claim bearing the same proportion to the entire claim against the insured and others claimed against that the amount of insured's waste in the site, originating in the commonwealth and causing the injury or damage complained of, bears to the total amount of waste causing the injury or damage complained of. Said policies shall exclude coverage related to radioactive waste facilities. Said policies shall also contain a nuclear exclusion similar to that approved by the commissioner of insurance for use by the insurance services office in commercial general liability insurance policies.

The Pollution Liability Reinsurance Corporation established herein shall, consistent with its plan of operation and any applicable regulations of the commissioner of insurance, determine the acceptability of pollution liability policies, including the coverage definitions and terms of such policies, for purposes of providing reinsurance pursuant to this chapter.

SECTION 2. The definition of "Covered claim" in section 15 of chapter 21C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 30, the word "ninety" and inserting in place thereof the word:- ninety-one.

SECTION 3. Section 19 of said chapter 21C is hereby amended by striking out, in line 8, the word "ninety" and inserting in place thereof the word:- ninety-one.

SECTION 4. Section 4 of chapter 10 of the acts of 1986 is hereby amended by striking out the word "ninety", as inserted by section 3 of chapter 642 of the acts of 1987, and inserting in place thereof the following word:- ninety-one.

SECTION 5. Section 4A of said chapter 10 of the acts of 1986 is hereby amended by striking out the word "ninety", as inserted by section 4 of chapter 642 of the acts of 1987, and inserting in place thereof the following word:- ninety-one.

SECTION 6. Section 6 of said chapter 10 of the acts of 1986 is hereby amended by striking out the word "ninety", as inserted by section 5 of chapter 642 of the acts of 1987, and inserting in place thereof the following word:- ninety-one.

Emergency Letter: January 29, 1990 @ 12:51 P.M. Approved January 12, 1990.

Chapter 713. AN ACT AUTHORIZING THE TOWN OF GEORGETOWN TO ELECT A SEPARATE BOARD OF LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Georgetown is hereby authorized to create a separate board of light commissioners for the town, consisting of three members elected by the people for a term of three years. Of the three-member board, initially one shall be elected for one year, one for two years, and one for three years.

SECTION 2. This act shall be submitted to the voters of the town of Georgetown for acceptance at the annual town election in the year nineteen hundred and ninety, in the form of the following question which shall be placed in the official ballot to be used for the election of town officers at said elections: "Shall an act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An Act Authorizing the Town of Georgetown to Elect a Separate Board of Light Commissioners', be accepted?". If the majority of the votes cast in answer to this question is in the affirmative, this act shall become effective, but not otherwise.

Approved January 12, 1990.

Chapter 714. AN ACT RELATING TO THE SITING AND CONSTRUCTION OF A HAMPDEN COUNTY JAIL AND HOUSE OF CORRECTIONS AND PROVIDING NECESSARY FUNDING THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized and directed, notwithstanding the provisions of sections forty E through forty I inclusive of chapter seven of the General Laws, to acquire by purchase, gift, land exchange, or eminent domain pursuant to chapter seventy-nine of the General Laws, or to acquire by lease for up to ninety-nine years, lease or purchase, or otherwise, any and all interests in a site to be approximately fifty acres, more or less, as determined by said deputy commissioner, within a portion of land bounded by the property lines adjacent to Texas drive on the west, north and east and Maine avenue on the south, including the northerly portion of Alabama street, Nebraska street and Colorado street, all within the following described land together with any necessary easements, wherever located, and licenses in connection therewith to be used as the site for a Hampden county jail

and house of correction, to be designed and constructed, notwithstanding the provisions of any municipal zoning ordinance or law, but pursuant to applicable general or special laws, including section four of chapter six hundred fifty-eight of the acts of nineteen hundred and eighty-six:

Starting at a stone bound, the most westerly common point between Parcel #1 and Parcel #2, as shown on a certain plan entitled "Ludlow, Massachusetts Plan of Land for Westover Metropolitan Development Corporation, dated January 13, 1976, revised December 10, 1976, known as Drawing No. LU-L-2531, made by Pharmer Engineering Corporation, Holyoke, Massachusetts, W. D. Pharmer, Registered Engineer"; thence running N. 41 degrees 37' 19" W., a distance of 730.15' to a stone bound; thence N. 34 degrees 35' 28" E., a distance of 457.74' to a stone bound; thence N. 34 degrees 45' 28" E., a distance of 1,524.17' to a point; thence N. 50 degrees 17' 17" E., a distance of 144.02' to a point; thence N. 49 degrees 53' 36" E., a distance of 80.22 to a point; thence N. 50 degrees 11' 31" E., a distance of 58.95' to a point; thence N. 70 degrees 04' 19" E., a distance of 281.23' to a point; thence N. 70 degrees 10' 49" E., a distance of 1,218.24' to a point; thence N. 70 degrees 13' 51" E., a distance of 1,150.49' to a point; thence S. 69 degrees 58' 45" E., a distance of 149.48' to a point; thence S. 30 degrees 58' 53" E., a distance of 1,114.31' to a point; thence S. 15 degrees 19' 54" E., a distance of 100.44' to a point; thence S. 00 degrees 02' 29" E., a distance of 2,393.65' to a point; thence S. 14 degrees 26' 55" W., a distance of 100.56' to a point; thence S. 29 degrees 07' 08" W., a distance of 2,104.73' to a point; thence S. 68 degrees 11' 20" W., a distance of 139.42' to a point; thence N. 72 degrees 54' 33" W., a distance of 1,498.22' to a point; thence N. 04 degrees 40' 50" W., a distance of 1,305.52' to a point; thence N. 38 degrees 55' 53" W., a distance of 216.03 to a point; thence N. 75 degrees 31' 35" W., a distance of 1,284.45' to a stone bound, said stone bound being the point of beginning, containing 362.85 acres of land, more or less, being the premises identified as Parcel #2 conveyed to the Massachusetts Municipal Wholesale Electric Company by deed of the Westover Metropolitan Development Corporation dated March 1, 1977, and recorded in the Hampden County Registry of Deeds at Book 4391, Pages 116-130; provided, however, that appraisals obtained in connection with any eminent domain acquisition from the town of Ludlow of deed restrictions relating to such property shall take into account any loss of future property tax revenues to said town of Ludlow for the site of the jail and house of correction and for property immediately adjacent thereto.

SECTION 2. The deputy commissioner of the division of capital planning and operations is hereby authorized and directed, notwithstanding the provisions of sections forty E through forty I inclusive of said chapter seven of the General Laws, to grant and to acquire, whether by purchase, gift, lease, land exchange, eminent domain pursuant to chapter seventy-nine of the General Laws, or otherwise, any and all interests in land, including but not limited to all easements necessary for utility, road, and other purposes, all licenses, mineral rights and water rights, as are

required in connection with the design, construction and operation of the correctional facilities authorized by sections one through five inclusive of said chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six.

SECTION 3. Section four of chapter six hundred and fifty-eight of the Acts of 1986 is hereby amended by striking out the first sentence in its entirety and inserting in place thereof the following:- The secretary of the executive office of human services is authorized to expend no more than ninety million dollars for the purpose of a grant program to assist Hampden county in undertaking feasibility studies, acquiring land, providing technical assistance or expertise, making preliminary plans, and designing, or constructing a jail and house of correction not to exceed the maximum number of beds as determined by the study, including initial furnishings and equipment, including an amount of four million dollars for the acquisition from the town of Ludlow of deed restrictions relating to the site, and further including related costs to mitigate impacts of the facility on the town of Ludlow not to exceed six million dollars; provided, that the six million shall not come from the infrastructure grant program established by Section eleven of Chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five; provided further, however, that the design and planning for said jail and house of correction shall include provisions to house female inmates sufficient to meet the needs of the region; and provided, that said facility shall include housing units at all security levels; and provided further, that the sheriff of Hampden county shall implement procedures to favor residents of the town of Ludlow in the hiring of up to twenty-five percent of the new employees for said jail and house of corrections; and provided that an environmental impact report shall be prepared for said facility, pursuant to sections sixty-one to sixty-two H of chapter thirty.

SECTION 4. The first sentence of section twelve of said chapter six hundred and fifty-eight is hereby amended by striking the word "twenty-three" and inserting in place thereof the word:- sixty-two.

SECTION 5. Section 5 of chapter 347 of the acts of 1982 is hereby amended by striking out the third paragraph, as most recently amended by section 41 of chapter 208 of the acts of 1988, and inserting in place thereof the following paragraph:-

When in making the grants authorized by this section, if the secretary approves a grant for the acquisition of land, the planning and construction of a jail in the town of Dartmouth, the secretary shall also approve a grant of not more than thirty million dollars for the design and construction of an interceptor sewer to service the facilities on the property where the facility is to be constructed, and to include the design and construction for an addition to the present sewerage treatment plant, and the interceptor sewerage needs of that section of the town of Dartmouth along Faunce Corner Road, through which the interceptor sewer runs, including the acquisition of such traditional land and interests therein as may be necessary for the installation of said interceptor sewer, by purchase, by eminent domain under

chapter seventy-nine of the General Laws, or otherwise; provided, that no payment shall be made for the acquisition of such additional land and interests therein until three independent appraisals of the value of the property have been made by qualified disinterested appraisers; and, provided further, however, that notwithstanding any general or special law to the contrary, any land taken by eminent domain proceedings or any interest therein so taken for jail purposes under this section which are determined to be not needed for said purposes, shall be conveyed by the commonwealth to the Dartmouth Industrial Development Foundation, Inc.

SECTION 6. Upon the completion of the new Hampden County Correctional Institution at Ludlow and within sixty days of the issuance of the appropriate certificates of occupancy the following actions shall occur: (1) All inmates then incarcerated in the County Correctional Institution at Springfield shall be transferred to the facility in Ludlow; (2) All other correctional related activities of any type or nature including, but not limited to, administrative; program; medical; and pre-release shall be transferred from the Springfield facility to the Ludlow jail; (3) The present Correctional Institution at Springfield shall cease to be used as a correctional facility by Hampden county, the commonwealth or any agency, subdivision or contractual entity of the state or county.

SECTION 7. A study shall be made by the secretary of administration and finance and presented to the house and senate committees on ways and means, to assess the annual loss of revenue that the town of Ludlow or the Massachusetts Municipal Wholesale Electric Company will incur due to the loss of taxable industrial land if the proposed new Hampden county jail and house of corrections is placed in the town of Ludlow.

Within sixty days of completion of the study, a payment in lieu of tax based on a fair market appraisal shall be established, by the secretary of administration and finance, to be made to the town of Ludlow annually.

SECTION 8. The secretary of administration and finance shall review and provide the house and senate committees on ways and means with a report on the recommendation of the Hampden county commissioners relative to the siting of the new Hampden county jail and house of corrections at the Taylor Street site in the city of Springfield, and the effect of that recommendation on the siting process.

SECTION 9. A study shall be made by the secretary of administration and finance to provide the house and senate committees on ways and means with the specific amount of money that will be required to fund the new Hampden county jail and house of corrections in accordance with, but not limited to, the siting, construction, and other relative costs.

SECTION 10. The secretary of administration and finance shall provide the house and senate committees on ways and means with the exact surveyed boundaries of the proposed eminent domain land taking for the new Hampden county jail and house of corrections in the town of Ludlow.

SECTION 11. An economic impact study shall be made by the secretary of administration and finance, and presented to the house and senate committees on ways and means, to assess the impact that the proposed new Hampden county jail and house of corrections will have upon the town of Ludlow. The study shall include, but not be limited to; transportation, fire and police, traffic, water and sewerage, and other relative costs.

Emergency Letter: January 16,1990 @4:08 PM Approved January 12, 1990.

Chapter 715. AN ACT AUTHORIZING THE CITY OF LYNN TO GRANT CERTAIN EASEMENTS IN PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn, acting by and through its city council, is hereby authorized to grant certain easements in certain park land in said city to be used in common with said city, and The First Evangelical Lutheran Church of Lynn and subject to the maintenance of a thirty and thirty-six inch drain in said land. Said easements are described as follows:

1. Right-of-way easement is being granted over Land Court Lot 2G as shown on Land Court Plan 12562G. The easement contains 4,445 s.f. and is bounded as follows:

NORTHWESTERLY: By Broadway, Twenty-Five and Forty-Three Hundredths Feet (25.43')

NORTHEASTERLY: By land owned by City of Lynn, One Hundred Seventy-Nine and Twelve Hundredths Feet (179.12')

SOUTHEASTERLY: By land owned by City of Lynn, Twenty-Five and Ten Hundredths (25.10')

SOUTHWESTERLY: By land owned by City of Lynn and land n/f owned by Steven Helman, One Hundred Seventy-Five and Four Hundredths Feet (175.04')

2. The turning easement is being granted over a remaining portion of part of Land Court Lot 2B shown on Land Court Plan 12562A. The easement contains 31 s.f. and is bounded as follows:

NORTHWESTERLY: By land n/f owned by Steven Helman, Eleven and Seventy-Six Hundredths Feet (11.76')

NORTHEASTERLY: By land owned by City of Lynn, Eleven and Seventy-Six Hundredths Feet (11.76')

SOUTHERLY: By land owned by City of Lynn, along a curve, Seventeen and Thirty-Two Hundredths Feet (17.32').

3. The construction easement is being granted over a remaining portion of part of Land Court Lot shown on Land Court Plan 12562A. The easement contains 1.272

s.f. and is bounded as follows:

NORTHWESTERLY: By land N/F owned by Stephen B. Helman. One Hundred and Twenty-Eight and One Hundredths Feet (128.01');

NORTHEASTERLY: By land owned by City of Lynn, Ten and Thirteen Hundredths Feet (10.13');

SOUTHEASTERLY: By land owned by City of Lynn, One Hundred and Twenty-six and Thirty-Eight Hundredths Feet (126.38');

SOUTHWESTERLY: By land owned by City of Lynn, Ten and Zero Hundredths Feet (10.00') Feet.

SECTION 2. Said easements shall be subject to the following conditions and restrictions:

1. Grantee shall use Easement solely for purpose of vehicles entering and exiting property, and shall not be construed as any parking rights on Way.

2. Grantee shall not build or otherwise occupy any part of the Way with improvements.

3. Grantee shall extend reciprocal agreement to Grantor to permit existing sign designating "Recreation Area" to remain on Grantee's property as presently exists and at a new location on the property.

4. Grantor shall retain rights to restrict and limit vehicle loads passing over the Way which may prove detrimental to underground utilities and maintenance of same as may be reasonable and stipulated by Lynn Water and Sewer Commission and its agents. In no event shall vehicles having a weight of 80,000 pounds or less be precluded from using this right of way.

5. Grantee shall indemnify and save harmless the City of Lynn, its officers, agents or employees from any and all liability that might ensue from grantees use of the subject premises.

SECTION 3. This act shall take effect upon its acceptance by the board of park commissioners of the city of Lynn and the city council of said city but not otherwise.

Approved January 12, 1990.

Chapter 716. AN ACT ESTABLISHING THE CAPE COD COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The general court hereby finds and declares that:

(a) The region commonly known as Cape Cod, comprised of Barnstable county, including all geographic areas to the jurisdictional limit of the commonwealth, possesses unique natural, coastal, scientific, historical, cultural, architectural, archaeological, recreational, and other values; there is a regional, state and national interest in protecting, preserving and enhancing these values; and these values are being threatened and may be irreparably damaged by uncoordinated

or inappropriate uses of the region's land and other resources.

(b) In order to protect these values and promote the public health, safety and general welfare, to maintain and enhance sound local and regional economies, and to ensure balanced economic development, this act creates the Cape Cod commission as the regional planning and land use commission with authority to prepare and oversee the implementation of a regional land-use policy plan for all of Cape Cod, to recommend for designation specific areas of Cape Cod as districts of critical planning concern, and to review and regulate developments of regional impact.

(c) The purpose of the Cape Cod commission shall be to further: the conservation and preservation of natural undeveloped areas, wildlife, flora and habitats for endangered species; the preservation of coastal resources including aquaculture; the protection of groundwater, surface water and ocean water quality, as well as the other natural resources of Cape Cod; balanced economic growth; the provision of adequate capital facilities, including transportation, water supply, and solid, sanitary and hazardous waste disposal facilities; the coordination of the provision of adequate capital facilities with the achievement of other goals; the development of an adequate supply of fair affordable housing; and the preservation of historical, cultural, archaeological, architectural, and recreational values.

(d) The commission shall: anticipate, guide and coordinate the rate and location of development with the capital facilities necessary to support such development; review developments which will have impacts beyond their local community and determine the comparative benefits and detriments of those projects and their consistency with the regional policy plan and local comprehensive plans and goals; identify and protect areas whose characteristics make them particularly vulnerable to adverse effects of development; preserve the social diversity of Cape Cod by promoting fair affordable housing for low-income and moderate-income persons; promote the expansion of employment opportunities; and implement a balanced and sustainable economic development strategy for Cape Cod capable of absorbing the effects of seasonal fluctuations in economic activity.

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

(a) "Applicant", any person who has made application for a development permit or whose proposed development is subject to review as a development of regional impact.

(b) "Assembly of delegates", the legislative body for Barnstable county established by chapter one hundred and sixty-three of the acts of nineteen hundred and eighty-eight.

(c) "Capital facilities", public facilities and services necessary to support development, including but not limited to roads, water, sewers, waste disposal, affordable housing, schools, police and fire protection facilities.

(d) "Commission", the Cape Cod commission created by section three.

(e) "Development", any of the following undertaken by any person: any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity which alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodland, wetland, endangered species habitat, aquifer, or other resource area, including coastal construction or other activity in Barnstable county within the jurisdictional limits of Barnstable county; demolition of a structure; the clearing of land as an adjunct of construction; or the deposit of refuse, solid or liquid waste or fill on a parcel of land or in any water area.

(f) "Development agreement", a contract entered into between the Commission and or a unit of a municipality or municipalities and a holder of property development rights, the principal purpose of which is to negotiate and to establish the development regulations that will apply to the subject property during the term of the agreement and to establish the conditions to which the development will be subject including, without limitation, a schedule of impact fees.

(g) "Development by-law", any by-law, ordinance, rule or regulation adopted by a municipality or municipal agency for the control or regulation of activities related to development affecting any buildings, land, water area or other resources within the boundaries of said municipality.

(h) "Development of regional impact", a development which, because of its magnitude or the magnitude of its impact on the natural or built environment, is likely to present development issues significant to or affecting more than one municipality, and which conforms to the criteria established in the applicable standards and criteria for developments of regional impact pursuant to section twelve.

(i) "Development permit", any permit, license, authority, order, approval, certificate, endorsement, or permission required from a municipal agency prior to the commencement or completion of any development, but not including any municipal dump permit issued to a household.

(j) "District of critical planning concern", a geographic area of Cape Cod identified by the commission as requiring special protection and designated by the assembly of delegates in accordance with the criteria, procedures and requirements set forth in sections ten and eleven.

(k) "Floor area", includes total enclosed floor area of all floors. For additions or auxiliary buildings, the floor area includes only the floor area of the addition or of the auxiliary building.

(l) "Governor's committee", a committee composed of the secretaries of the executive offices of environmental affairs; transportation and construction; eco-

nomic affairs; labor; and communities and development; and any other state official designated as a member by the governor.

(m) "Impact fees", a contribution paid by a person undertaking a development to a municipality or municipalities pursuant to the provisions of section fifteen, designed to offset the impacts of a development. Impact fees may include, but are not limited to, creation or improvement of streets, sewers, water supplies, parks, schools, affordable housing and similar capital facilities.

(n) "Local comprehensive plan", the plan which may be prepared or adopted by a local planning committee with the consultation and assistance of the commission staff and adopted by a town meeting, as described in section nine.

(o) "Local planning committee", the committee established in each municipality to develop and manage the local comprehensive plan, as described in section eight.

(p) "Implementing regulations", the regulations adopted by municipalities or municipal agencies or the assembly of delegates to implement guidelines established by the commission for districts of critical planning concern.

(q) "Municipal agency", any municipal agency, board, commission, department, office, or official that has authority to approve or grant a development permit.

(r) "Municipality", any of the following municipalities on Barnstable county: Barnstable, Bourne, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Sandwich, Truro, Wellfleet and Yarmouth.

(s) "Person", an individual, corporation, municipality, governmental agency or authority, business trust, estate, trust, partnership, association, joint venture, two or more persons having a joint or common interest, or any legal entity.

A state agency or authority shall not be deemed a person within the meaning of this act.

(t) "Regional policy plan", the plan prepared as described in sections seven and eight.

(u) "The regional policy plan advisory board", a board comprised of a designee of the following: the Association for the Preservation of Cape Cod, the Barnstable County Bar Association, the Cape Cod board of realtors, the Cape Cod Homebuilders' Association, The Compact of Cape Cod Conservation Trusts, the Cape Cod chamber of commerce, and a member of a town planning board, town board of health, town conservation commission and town housing authority to be appointed by the county commissioners and one member of a local housing partnership committee, one member of the Barnstable County Health and Human Services Advisory Council, and five representatives of the Barnstable County minority community to be appointed by the county commissioners. The five minority community representatives shall include at least one person of: (1) Asian or Pacific Island ancestry; (2) Black ancestry; (3) Cape Verdean ancestry; (4) Hispanic ancestry; and (5) Native American ancestry. The county commissioners shall solicit, accept and consider nominations for these positions from minority

community associations including, but not limited to, the Cape Cod Chapter of the National Association for the Advancement of Colored People; the Cape Verdean Club; the Martin Luther King Center; and the Wampanoag Tribal Council.

The commission shall exercise its best efforts in soliciting, accepting and considering such nominations. In the event that no nominations are received for the representative position for a particular minority group or that every candidate nominated or considered for the representative position for a particular minority group refuses to serve, the commission shall appoint a representative from another minority group.

(v) "Board of Selectmen", the board of selectmen in any municipality or the chief executive officer for any municipality that does not have a board of selectmen.

(w) "Ordinance", any ordinance adopted pursuant to section 2-8 and section 7-4 of chapter one hundred and sixty-three of the acts of nineteen hundred and eighty-eight by the assembly of delegates and approved by the county commissioners. Every such ordinance shall be effective immediately upon approval, notwithstanding paragraph *(i)* of section 2-8, unless a later day is specified in the ordinance.

(x) "Fair affordable housing", any residential housing unit which meets affordability standards promulgated by the executive office of communities and development and which prohibits discrimination because of the race, color, religious creed, national origin, sex, ancestry, sexual orientation or handicap of any person.

(y) "Minority", *(a)* Asian or Pacific Islander, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific Islands; *(b)* Black, a person having origins in any of the Black racial groups of Africa, the Middle East or the West Indies; *(c)* Cape Verdean, a person having origins in any of the original peoples of the Cape Verdè Islands; *(d)* Hispanic, a person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, the Dominican Republic, Central America or South America; or *(e)* Native American, a person having origins in any of the original peoples of North America.

SECTION 3. *(a)* There is hereby created the Cape Cod commission which shall be the regional planning and land use commission for Cape Cod and shall have the responsibilities, duties, and powers established herein in Barnstable county. The commission shall be the regional planning agency for Cape Cod in accordance with applicable laws and regulations as provided in this act. The commission shall be an agency within the structure of Barnstable county government pursuant to this act, and shall operate in accordance with Barnstable county administrative and budgetary procedures and in accordance with the provisions of section eighteen.

(b) The commission shall have nineteen members as follows: fifteen shall be representatives of each of the fifteen municipalities, appointed by each municipality's board of selectmen; one county commissioner for Barnstable county appointed by the board of the county commissioners; one Native American appointed

by the board of county commissioners; one minority appointed by the board of county commissioners; one minority appointed by the governor. Each member of the commission must be a resident and a registered voter of one of the towns of Barnstable county. Each member shall have one vote except the governor's appointee, whose function shall be advisory except in the event of a tie vote.

(c) Each member of the commission appointed by each municipality shall serve a term of three years; provided, however, that among the initial members of the commission, six shall serve for a term of three years, five shall serve for a term of two years, and five shall serve for a term of one year. The governor's appointee shall serve coterminous with the governor. The county commissioners shall appoint or reappoint their representatives annually. The commission shall determine the length of each initial member's term by lottery at the first meeting of the commission. Any commission member may, at the end of his term, be reappointed.

(d) Each municipality's board of selectmen shall appoint a replacement to fill the term of its representative in the event that the position becomes vacant.

(e) The commission members shall annually elect a chairperson, vice chairperson and secretary. The first set of officers shall be elected at the commission's initial organizational meeting, which shall be conducted within thirty days of the effective date of this act.

(f) The provisions of sections twenty-three A to twenty-three G of chapter thirty-nine of the General Laws shall apply to the commission.

(g) At any meeting of the commission, a majority of its voting members shall constitute a quorum. Unless a greater majority is otherwise explicitly required by this act, where a quorum is present, the commission may act upon a vote by a simple majority of the voting members present.

(h) The commission shall have an executive director, a fair, affordable housing specialist, a chief planner, an economic development officer and a chief regulatory officer, each of whom shall have education and experience in land use planning or regulation. The executive director shall be responsible for overall management of the commission's operations. The chief planner shall supervise planning matters including the preparation and amendment of the regional policy plan, the assistance to municipalities in their completion of local comprehensive plans, and the development of guidelines and regulations for districts of critical planning concerning. The chief regulatory officer shall supervise the development of regional impact review process. The commission shall also have a clerk whose duties shall include the keeping of the commission's official records. All appointments to the staff of the commission shall be made by the county commissioners upon the recommendation of the commission subject to the Barnstable county administrative, personnel and budgeting procedures.

The affordable housing specialist shall (1) assist each municipality in developing the low and moderate income housing component of its local comprehensive

plan; (2) evaluate the adequacy and fairness of the low and moderate income housing component of each local comprehensive plan submitted to the commission for certification; (3) monitor the progress of each municipality in implementing the low and moderate income housing component of it local comprehensive plan; and (4) report to the commission on the progress of each municipality in implementing the low and moderate income housing component of its local comprehensive plan.

SECTION 4. *(a)* The commission shall have those powers necessary convenient to carry out the purposes and provisions of this act, including but not limited to the following powers, in addition to the regulatory and planning powers contained in this act:

(1) to assist local governments in developing local comprehensive plans and, when requested, to assist local governments in carrying out their local planning and regulatory responsibilities;

(2) to review and comment upon local comprehensive plans;

(3) to sue and be sued;

(4) to make use of alternate dispute resolution mechanisms such as negotiation, mediation or arbitration;

(5) to retain, employ and remove employees, consultants, agents and attorneys, consistent with Barnstable county administrative, personnel and budgetary procedures, subject to Barnstable County's compliance with the affirmative action requirements set forth in Chapter 151B of the General Laws, as needed to carry out its responsibilities under this act;

(6) to apply for and receive state, federal and private grants and loans and to expend such funds with the approval of the county commissioners;

(7) to hold public hearings;

(8) to appoint hearing officers and, where it deems appropriate, to delegate to such hearing officers the responsibility to hold public hearings under this act and to assemble and report the record for decision by the commission or its designee and recommend decisions to the commission or its designee; however, any applicant or party aggrieved, following a hearing by a hearing officer, shall have the right to a public hearing before the commission in accordance with the provisions of Section Five (H) of this Act.

(9) to enter into contracts with the approval of the county commissioners;

(10) to recommend to state agencies appropriate regulations for consistency with the regional policy plan;

(11) to promulgate and amend rules and regulations as appropriate to carry out its responsibilities under this act;

(12) to appoint advisory boards, commissions, subcommittees and panels as it deems appropriate to carry out its responsibilities under this act;

(13) to recommend public acquisition of specified land areas for preservation

(14) to make use of the services of federal, state, county and local employees as may be available to the commission to carry out its responsibilities under this act;

(15) to coordinate its regulatory functions with local, state and federal authorities and, where possible and appropriate, to conduct joint hearings with those authorities;

(16) to acquire funds as described in section eighteen and to manage such funds;

(17) to make grants with the approval of the county commissioners and provide technical assistance to municipalities for use in local planning activities;

(18) to assist municipalities in the study of local land use concerns;

(19) to adopt plans, maps and studies as appropriate to carry out its responsibilities under this act;

(20) to negotiate and enter into development agreements as described in section fourteen;

(21) to conduct public education;

(22) to conduct an annual public conference on land use on Cape Cod and to invite to such conference any private, local, state or federal governmental representatives it deems appropriate;

(23) to produce an annual report which will be included in the annual Barnstable county report;

(24) to require impact fees from persons in accordance with section fifteen;

(25) to utilize land-use management tools lawful under the Constitutions of the United States and Commonwealth of Massachusetts and under the General Laws;

(26) to reimburse commission members for reasonable expenses incurred in connection with their service on the commission consistently with Barnstable county administrative and budgetary procedures;

(27) to establish a process and procedures for siting and developing capital facilities and developments of regional impact which are necessary to ensure balanced growth.

SECTION 5. (a) Whenever the commission is required to provide notice of a public hearing pursuant to the provisions of this act, the commission shall give notice by publication in a newspaper of general circulation throughout Barnstable county once in each of two successive weeks, the first publication to be not less than fourteen days before the hearing. Notice shall also be posted in a conspicuous place in the commission's offices not less than fourteen days before the day of the hearing. Copies of all documents subject to notice and hearing shall be available for public inspection at the commission's office during normal business hours.

(b) In addition to the requirements of subsection (a) notice of public hearings regarding the adoption of the Commission's regulations in accordance with section

six shall be:

(1) mailed at least fourteen days before the day of the hearing to the Assembly of Delegates, County Commissioners, board of selectmen, town clerk, building inspector, planning board, board of appeals and conservation commission of each municipality in Barnstable county, to any other municipal agency which makes a written request for such notice, and to the governor's committee;

(2) published in a newspaper of general circulation in each of the municipalities in Barnstable county, once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing.

(c) In addition to the requirements of subsection *(a)*, notice of public hearings regarding districts of critical planning concern as required in section ten shall be:

(1) mailed at least fourteen days before the day of the hearing to the assembly of delegates, county commissioners, board of selectmen, town clerk, building inspector, planning board, board of appeals and conservation commission of each municipality in which the proposed district of critical planning concern or a portion thereof is located, to any other municipal agency which makes a written request for such notice, and to the governor's committee;

(2) published in a newspaper of general circulation in each of the municipalities in which the proposed district of critical planning concern or a portion thereof is located, once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing.

(3) mailed at least fourteen days before the day of the hearing to any person who makes a written request for notification relating to specific geographic areas of Barnstable county, provided such written request has been received by the commission at least twenty days but not more than two years before the mailing of such notice.

(d) In addition to the requirements of subsection *(a)*, notice of public hearings regarding the developments of regional impact as required in section thirteen shall be:

(1) mailed at least fourteen days before the day of the hearing to the assembly of delegates, county commissioners, board of selectmen, town clerk, building inspector, planning board, board of appeals and conservation commission of each municipality in which the proposed development of regional impact or a portion thereof is located, to any other town agency which makes a written request for such notice and to the governor's committee;

(2) mailed at least fourteen days before the day of the hearing to the applicant and to each abutter to the proposed development of regional impact, based on a list of abutters provided by the applicant and certified by the tax assessor of the municipality or municipalities in which the development of regional impact or a portion thereof is located. For purposes of this Section, shutters shall include owners of land directly opposite on any public or private street or way and owners of land located within three hundred feet of any boundary of the proposed

development of regional impact.

(3) published in a newspaper of general circulation in each of the municipalities in which the proposed development of regional impact or a portion thereof is located, once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing.

(4) mailed at least fourteen days before the day of the hearing to any person who makes a written request for notification relating to specific geographic areas of Barnstable county, provided such written request has been received by the commission at least twenty days but not more than two years before the mailing of such notice.

(e) Each notice of a public hearing shall contain a brief description of the subject matter and the date, time and place of the public hearing and, where applicable, where an application including a map showing the location of the subject property may be viewed. Notice for public hearings concerning developments of regional impact shall also include the name of the development permit applicant.

(f) Public hearings regarding designation of districts of critical planning concern shall be held within the municipality or one of the municipalities within which the district of critical planning concern or a portion thereof is located.

(g) At least one public hearing regarding review of developments of regional impact shall be held in one of the municipalities within the area of Barnstable county in which the proposed development of regional impact is located.

(h) Whenever the commission holds a public hearing in accordance with the provisions of this act, it shall afford interested persons an opportunity to present data, views or arguments in regard to the subject matter of the hearing orally or in writing.

(i) The commission shall establish a periodic publication which publication shall contain all notices and written decisions required by this act or summaries thereof and such other information the commission deems relevant and of interest to the public. Such a publication shall be provided by subscription or by individual copy to any person requesting such for a fee reasonably calculated to recover the costs of such publication.

SECTION 6. *(a)* The commission shall prepare proposed regulations of general application to enable it to fulfill its duties under this act, including, but not limited to, regulations concerning the process of designating districts of critical planning concern; the review of developments of regional impact, and the imposition of impact fees in accordance with Section 15 of this Act. The commission shall submit these proposed regulations for adoption by ordinance to the assembly of delegates. The assembly of delegates shall then hold at least one public hearing to consider the proposed regulations. Within sixty days after the receipt of the proposed regulations, the assembly of delegates shall either adopt the proposed regulations by ordinance or return the proposed regulations to the

commission for restudy and redrafting. In the event the assembly of delegates has objections to the proposed regulations, the assembly shall return the proposed regulations to the commission, together with a written report identifying the elements to which the assembly has objections and a request for changes. After such restudy and redrafting, the commission shall again submit the proposed regulations to the assembly in accordance with the provisions of this section. Prior to adopting such regulations, the commission shall hold a public hearing in a convenient place of its choosing in Barnstable county after providing notice thereof. The commission shall also promulgate regulations, consistent with this act, which will govern the administration of its duties under this Act. Regulations duly adopted by the commission shall be valid and enforceable after they have been filed with the clerk of the commission and recorded with the Barnstable county registry of deeds. Such regulations shall also be mailed to the town clerk of each municipality in Barnstable county, and to the governor's committee.

(b) The Commission may amend Regulations adopted under this Section through the same procedures provided in subsection (a) for adoption of regulations.

(c) No claim of invalidity of any regulation adopted or amended under this Section by reason of any defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within ninety days of the effective date of such regulation or amendment and notice specifying the court, parties, invalidity claimed and date of filing is filed, together with a copy of the petition, with the commission within seven days after commencement of the action.

(d) Reasonable fees as imposed by the commission pursuant to this act shall be uniform in relation to the type of relief sought. Fees shall be directly related to the administrative and technical costs required for the commission to carry out its responsibilities under the law. No fee shall be charged unless and until a schedule of fees is adopted as a regulation pursuant to this section. Fees may be waived by a majority vote of the commission. No fees may be imposed upon a municipality, municipal agency or a state agency.

SECTION 7. *(a)* The commission shall in consultation with local planning committees, the regional policy plan advisory board and the governor's committee prepare a regional policy plan for Barnstable county which shall be designed to present a coherent set of regional planning policies and objectives to guide development throughout said Barnstable county and to protect the region's resources, and which shall reflect and reinforce the goals and purposes set out in section one.

(b) The regional policy plan shall include but not be limited to:

(1) identification of Barnstable county's critical resources and management needs, including its natural, scientific, coastal, historical, recreational, cultural,

architectural, aesthetic, and economic resources, groundwater and surface water supplies, available open space, and available regions for agricultural, aquacultural and development activity;

(2) a growth policy for Barnstable county including guidelines for the protection of Barnstable county's resources and the provision of capital facilities necessary to meet current and anticipated needs;

(3) regional goals for the provision of fair, affordable housing, job creation, waste disposal, open space, recreation, coastal resources, capital facilities, economic development, historic preservation, and any other goals deemed appropriate and important by the commission; and

(4) a policy for coordinating regional and local planning efforts, including coordinating planning activities of private parties and local, state or federal governmental authorities.

SECTION 8. *(a)* The commission shall prepare a draft regional policy plan within twelve months of the effective date of this act. Such draft regional policy plan shall be deemed complete upon the commission mailing it to each municipality's local planning committee, the assembly of delegates, the county commissioners, boards of selectmen and to the governor's committee. To assist the commission in developing the draft regional policy plan, the commission or a subcommittee thereof shall hold at least one public hearing in each of the three areas commonly known as the Upper, Lower and Mid-Cape regions of Cape Cod.

(b) The boards of selectmen of each municipality in Barnstable county are hereby authorized to establish and may appoint a local planning committee. The local planning committee shall elect its own chairperson. If a municipality already has an established planning board or committee, that board, or committee may act as the municipality's local planning committee should the municipality's board of selectmen so decide.

(c) During the sixty day period following the completion of the draft regional policy plan the commission shall hold at least one public hearing in each of three areas of Cape Cod described above, and shall accept oral and written comments on the draft regional policy plan.

(d) During the same sixty day period, each local planning committee, the regional policy plan advisory board and the governor's committee shall submit written comments to the commission.

(e) Within thirty days after the close of the sixty day comment period, the commission shall complete its final regional policy plan. The commission shall submit its final regional policy plan to the county commissioners and to the members of the assembly of delegates, with a request that an ordinance be introduced for its adoption as the Cape Cod regional policy plan. The assembly of delegates shall then hold at least one public hearing to consider the final regional policy plan. Within forty-five days after receipt of the final regional policy plan from the commission, the assembly of delegates shall either adopt the final regional

policy plan by ordinance as proposed or return the final regional policy plan to the commission for restudy and redrafting in accordance subsection *(f)*.

(f) In the event the assembly of delegates has substantive objections to the final regional policy plan as submitted by the commission, the assembly of delegates shall return the final regional policy plan to the commission for restudy and redrafting, together with a written report identifying those elements of the final regional policy plan to which the assembly of delegates has objections and a detailed request for changes. After such restudy and redrafting, the commission shall again submit the final regional policy plan to the assembly of delegates in accordance with subsection *(e)*.

(g) Upon the assembly of delegates' adoption by ordinance of the final regional policy plan, the commission shall submit the final regional policy plan to the governor and the secretary of state and publish notice of its availability in the Massachusetts Register, the Environmental Monitor, a newspaper of general circulation in Barnstable county, and newspapers regularly published in each municipality. The final regional policy plan shall be recorded by the commission with the Barnstable county registry of deeds and shall become effective upon the later of the thirty days following the adoption date of the ordinance or on such recording. Copies of the final regional policy plan shall also be filed with the town clerk of each municipality in Barnstable county and with the governor's committee.

(h) The assembly of delegates shall, by ordinance establish a process for a thorough review and amendment of the regional policy plan, at intervals not to exceed five years. Notwithstanding the foregoing, the commission may initiate review of the regional policy plan on its own initiative at any time. All proposed amendments of the regional policy plan shall be submitted to the county commissioners and to the assembly of delegates in accordance with subsection *(e)*. The review process shall include a provision for notice and public hearing in accordance with subsection *(b)* of section five and section six. Any amendments to the regional policy plan shall be submitted and filed in accordance with subsection *(g)*.

SECTION 9. *(a)* After the assembly of delegates has adopted the final regional policy plan pursuant to the provisions of section eight, each municipality may by a vote of its town meeting or legislative body adopt a local comprehensive plan which is consistent with the regional policy plan and the goals of the act. Each municipality's local comprehensive plan shall include a plan for the capital facilities which will be necessary in that municipality to accommodate growth and development both in the municipality and throughout Barnstable county.

(b) The commission shall adopt regulations establishing minimum criteria for local comprehensive plans, which shall include a plan to provide for the development of fair low and moderate income housing consistent with local needs, and which may be certified by the commission as consistent with the regional policy plan. The local planning committee may develop a local comprehensive plan

for submission to town meeting or the town legislative body for adoption. The commission staff may provide consultation and assistance to local planning committees. If a municipality has already adopted a comprehensive plan, the town meeting or other legislative body may adopt its existing plan as the municipality's local comprehensive plan, to the extent that it is consistent with the regional policy plan and with the guidelines established by the commission pursuant to subsection *(b)*. After adoption of a local comprehensive plan by town meeting or other legislative body, the town clerk shall submit its local comprehensive plan to the commission for certification that it is consistent with the regional policy plan.

(c) If a municipality adopts a local comprehensive plan and it is certified by the commission, the municipality shall, within two years or such further time as the commission may allow, insure that its development by-laws are consistent with its local comprehensive plan. The commission may revoke the certification of a municipality's local comprehensive plan if the municipality fails to make its development by-laws consistent with said plan within the time allowed under this section.

In modifying their development by-laws pursuant to this section, municipalities may not alter the rights of property owners under section six of chapter forty A, section eighty-one P of chapter forty-one and section one hundred and twenty-seven P of chapter one hundred and eleven of the General Laws. The commission shall revoke the certification of a municipality's local comprehensive plan if the municipality fails to implement that portion of the local comprehensive plan which provides for the development of low and moderate income housing consistent with local needs within a reasonable period of time following certification of the local comprehensive plan.

(d) Municipalities which have local comprehensive plans certified by the commission may enter into development agreements with persons proposing developments and with the commission, other municipalities and state agencies in accordance with section fourteen, and may impose impact fees on proposed developments in accordance with section fifteen.

(e) The regulations referred to in subsection *(b)* shall not prohibit a municipality from proposing for certification or the commission from certifying a comprehensive plan which is more specific, detailed, or comprehensive, or which covers additional subject areas than the regulations require. This act and these regulations shall not prohibit a municipality from considering, adopting, enforcing or in any other way administering a comprehensive plan which does not comply with the regulations established by the commission, so long as it is not administered or enforced in a manner which otherwise violates this act.

(f) Each municipality may request financial and technical assistance from the commission in preparing a local comprehensive plan and in implementing land use regulations.

(g) In the event that the final regional policy plan is amended pursuant to

subsection *(b)* of section eight any municipality having a certified local comprehensive plan shall conform said plan to the regional policy plan as amended pursuant to subsections *(a)* to *(f)* of section nine.

SECTION 10. *(a)* The commission may propose the designation of certain areas which are of critical value to Barnstable county as districts of critical planning concern that must be preserved and maintained due to one or more of the following factors:

(1) the presence of significant natural, coastal, scientific, cultural, architectural, archaeological, historic, economic or recreational resources or values of regional, state-wide or national significance; or

(2) the presence of substantial areas of sensitive ecological conditions which render the area unsuitable for development; or

(3) the presence or proposed establishment of a major capital public facility or area of public investment.

(b) The commission shall submit its proposed designation of a district of critical planning concern to the assembly of delegates for adoption by ordinance. The assembly of delegates shall then hold at least one public hearing to consider said proposed designation. Within sixty days after receipt of said proposed designation, the assembly of delegates shall either approve said proposed designation by ordinance or return said proposed designation to the commission for restudy and redrafting. In the event the assembly of delegates has objections to said proposed designation, the assembly shall return said proposed designation to the commission together with a written report identifying those elements to which the assembly has objections and a request for changes. After restudy and redrafting, the commission shall within forty-five days again submit said proposed designation to the assembly in accordance with the provisions of this section. If a proposed designation is not approved within sixty days of a second submission by the commission to the assembly of delegates, it shall be deemed denied. The designation shall take effect upon the effective date of the ordinance.

(c) Districts of critical planning concern may cover areas located in more than one municipality. Similar resources in different areas of Barnstable county should be treated similarly unless the commission makes a written finding that there are valid reasons based upon local differences and characteristics to justify treating them differently.

(d) Nomination of areas for consideration for designation as districts of critical planning concern may be made by the commission; or by the county commissioners or the assembly of delegates; or by a board of selectmen, historic commission, planning board, board of health or conservation commission of any municipality for any areas within the municipal boundaries of the nominating municipal board or a contiguous municipality. Whenever an historic commission, planning board, board of health or conservation commission makes such a nomination, it must forward notice to the board of selectmen. The board of selectmen shall forward

comments, if any to the commission on any nomination made by the historic commission, planning board, board of health or conservation commission.

(e) Nominations shall contain information explaining why the subject area should be designated a district of critical planning concern and shall fully describe the area nominated.

(f) Upon receipt of a nomination the commission shall accept or reject the nomination for consideration within forty-five days. The acceptance of a nomination for consideration for designation shall be accompanied by a general statement of purpose, describing the reasons for acceptance and shall certify the types or classes of proposed development not substantially detrimental to the protection of the public health, safety and welfare and will not contravene the purposes of this act. Nominations which are not accepted for consideration shall be returned to their sponsors with a written explanation of the commission's reasons for not accepting the nomination for designation.

(g) No nominations shall be filed with the commission until after six months from the effective date of this act. Within five months from the effective date of this act, the commission shall promulgate regulations governing the form and content of nominations and procedures for the review of nominations.

(h) The commission may consolidate nominations for consideration if it determines that multiple nominations relate to substantially similar resources, substantially similar geographic areas, contiguous or overlapping areas.

(i) Except as provided in subsection *(g)*, the commission shall render a decision within sixty days of accepting a nomination for consideration, unless the commission provides written explanation for a delay. The commission may not take longer than one hundred and twenty days from acceptance of a nomination for consideration to render its decision. The commission shall provide notice to the town clerk of all municipalities which are included within the boundaries of any part of the nominated area and shall hold one or more public hearings in locations appropriate and convenient to the nominated area. The chairperson of the commission may, at his discretion, appoint subcommittees of commission members to conduct public hearings on district of critical planning concern nominations. Any such subcommittee shall report to the full commission and the full commission shall render the final decision on the proposed designation.

(j) The commission's final decision on a proposed designation shall specify in writing the reasons for designation or refusal to designate. If the commission decides to propose a district of critical planning concern, its decision shall include a description of the area's critical concern to the region, the problems of uncontrolled or inappropriate development in the area, and the advantages anticipated from development of the area in a controlled manner. The commission shall also specify guidelines for development in the district based upon its findings relating to the critical concerns in the area.

(k) Nominations for the same geographic area and for the same concerns which

have been made to the commission but not recommended by the commission to the assembly of delegates for designation shall not be considered for acceptance for nomination within two years following the commission's decision not to designate or inaction unless the commission votes to accept them for nomination by a four-fifths vote of the members present, so long as a quorum exists.

(l) The commission's proposed designation decision shall include a written description and a map of the land area to be included in the designation sufficient to identify the areas affected by the district of critical planning concern designation. All district of critical planning concern designation decisions that have been approved pursuant to subsection *(b)* shall be recorded by the commission in the Barnstable county registry of deeds and shall become effective upon such recording. Copies of such decisions shall also be filed with the town clerk of each municipality in which the district of critical planning concern or a portion thereof is located. Notice of the designation shall be published in a newspaper of general circulation in Barnstable county and in newspapers of general circulation in each of the municipalities in which the district of critical planning concern or a portion thereof is located. For the purposes of sections twenty to twenty-three, inclusive, of chapter forty B of the General Laws, the commission shall be considered a local board.

(m) District of critical planning concern designations may be amended or rescinded by the same procedures as are set out in this section for designation.

SECTION 11. *(a)* Upon receipt of a nomination of an area as a district of critical planning concern, the commission shall provide notice of such nomination as follows:

(1) by mail to the assembly of delegates, county commissioners, board of selectmen, town clerk, building inspector, planning board, board of appeals, conservation commission and board of health of each municipality in which the nominated district of critical planning concern or a portion thereof is located; to any other municipal agency which makes a written request for such notice, and to the governor's committee; and

(2) by publication in a newspaper of general circulation in Barnstable county and in a newspaper of general circulation in each of the municipalities in which the proposed district of critical planning concern or a portion thereof is located.

(b) After the first publication of notice of the nomination of an area as a district of critical planning concern pursuant to subsection *(a)*, no municipal agency may grant a development permit within the nominated district until the commission has decided not to accept the nomination or has denied a designation or the assembly of delegates and the county commissioners have rendered a final decision on designation. This subsection shall not apply to nominations for the same geographic area and for the same concerns which have been nominated within the previous two years but have not been accepted by the commission for nomination.

(c) The acceptance of a nomination for consideration for designation as a

district of critical planning concern shall continue to suspend the power of a municipality to grant development permits for development within the nominated district; provided, however, that until regulations adopted pursuant to subsection *(e)* and *(f)* of section eleven have become effective, a municipality may grant development permits for development within the district if:

(1) the commission has certified in its acceptance of the nomination that the type or class of proposed development is not substantially detrimental to public health, safety or general welfare and does not contravene the purposes of this act and a development by-law or by-laws had been in effect immediately prior to the nomination of such area and development permits could have been granted under the by-laws; or

(2) a development has received approval as a development of regional impact within the seven year period next preceding the nomination of the geographic area in which said development is located, in whole or in part and such approval is still valid; or

(3) a development of regional impact has been referred to the commission for review prior to the first published notice of the nomination of a district of critical planning concern in which said development is located, in whole or in part, and subsequently is approved; or

(4) a development is authorized by a development agreement which has been approved by the commission and the relevant municipality or municipalities; or

(5) the commission has not expressly found in accepting a nomination that the issuance of development permits for a single-family house or houses on lots held in common ownership or on lots in separate ownership may be substantially detrimental to the protection of the public health, safety and welfare or in light of the factors specified in clauses (1) and (2) of subsection *(a)* of section ten, might contravene the purposes of this act.

(d) After the adoption of an ordinance approving the designation of a district of critical planning concern, a municipality whose boundaries include all or part of that district shall propose implementing regulations which are consistent with the guidelines for the development of the district as set forth in the assembly of delegates' designation. Proposed implementing regulations shall be submitted to the commission by the municipality after consideration by the municipal planning board, board of health, board of selectmen and conservation commission. The proposed implementing regulations shall also be submitted to the governor's committee. The commission, after notice to all municipalities in the district of critical planning concern and one or more public hearings, shall determine whether the municipality's proposed implementing regulations conform to the commission's guidelines. If the commission determines that the proposed implementing regulations do not conform to the commission's guidelines, such decision shall include specific reasons why the proposed implementing regulations do not conform and an opportunity for the municipality to amend its proposed imple-

menting regulations. If the commission determines that the proposed implementing regulations do conform to the commission's guidelines, the commission shall so inform the municipality.

(e) Once approved by the commission, the municipality's regulations for the district of critical planning concern shall be incorporated by the municipality into the official by-laws, regulations and maps of the municipality and shall not be effective prior thereto. In accordance with section thirty-two of chapter forty of the General Laws, by-laws shall be submitted to the attorney general for approval. Implementing regulations shall be administered by the municipality as part of its development by-laws. If such regulation requires enforcement by an administrative office or body which has not been constituted by a municipality, the board of selectmen of the municipality shall enforce such regulation.

(f) If a municipality fails within twelve months after the enactment of an ordinance by the assembly of delegates designating a district of critical planning concern to adopt implementing regulations which are consistent with the commission's guidelines, the commission shall propose and the assembly of delegates shall adopt by ordinance implementing regulations applicable to that municipality's portion of the district of critical planning concern after notice and public hearing; provided, however, that the commission may grant an additional ninety days to a municipality to adopt and incorporate implementing regulations. Within two weeks following the expiration of said twelve months or ninety day extension thereof the commission shall notify the assembly of delegates of the municipality's failure to adopt and incorporate the implementing regulations and the commission shall provide the assembly with its own proposed implementing regulations. In the event that the assembly of delegates and county commissioners fail to adopt by ordinance implementing regulations for the municipality in question within seventy-five days of such submission and notification, the implementing regulations proposed by the commission shall be deemed to have been validly adopted.

(g) No municipal agency may grant a development permit for a development in a district of critical planning concern unless the proposed development is consistent with the municipality's approved implementing regulations or implementing regulations adopted by the assembly of delegates for the district of critical planning concern.

(h) Notwithstanding the provisions of this section, the commission shall permit a municipality to grant a development permit for a development in a district of critical planning concern or in an area which has been nominated and accepted for consideration for designation as a district of critical planning concern where an applicant demonstrates that to deny the development permit would constitute a taking of property in violation of the Massachusetts and United States Constitutions; provided, however, that no reasonably foreseeable danger to the public health or

safety will arise from such approval or approval with conditions.

(i) A municipality may amend or rescind its implementing regulations through the same procedure that it uses to adopt the implementing regulations, subject to review and approval by the commission.

(j) If implementing regulations applicable to the entirety of a district of critical planning concern have not been approved by the commission or the assembly of delegates within eighteen months after the enactment of the designation of such a district, the designation of such part of such district for which the implementing regulations have not been approved or adopted shall terminate.

(k) For the purposes of sections twenty to twenty-three, inclusive, of chapter forty B of the General Laws, the commission shall be considered a local board.

(l) The provisions of this section shall not apply to any project for which a nonprofit educational institution has applied for or has received funds for the design and construction of said project on or before July first, nineteen hundred and eighty-nine, from an appropriation of the United States government.

SECTION 12. *(a)* The commission may propose standards and criteria specifying the types of development which are likely to present development issues significant to more than one municipality in Barnstable county. The commission shall submit these proposed standards and criteria for adoption by ordinance to the assembly of delegates. The assembly of delegates shall then hold at least one public hearing to consider the proposed standards and criteria. Within sixty days after the receipt of the proposed standards and criteria, the assembly of delegates shall either adopt the proposed standards and criteria by ordinance or return the proposed standards and criteria to the commission for restudy and redrafting. In the event the assembly of delegates has objections to the proposed standards and criteria, the assembly shall return the proposed standards and criteria to the commission, together with a written report identifying the elements to which the assembly has objections and a request for changes. After such restudy and redrafting, the commission shall again submit the proposed standards and criteria to the assembly in accordance with the provisions of this section. Developments which meet the standards and criteria may be termed developments of regional impact, and shall be subject to review by the commission in accordance with the provisions of this section and section thirteen. The commission may propose and the assembly of delegates may adopt different standards and criteria for developments of regional impact for different areas in Barnstable county.

(b) The standards and criteria for developments of regional impact shall be based on the following factors:

(1) the impact of the development on the environment and natural resources, including but not limited to air, ground and surface water supply and quality; ecological, coastal, historical, cultural, architectural, archaeological, and recreational resources; endangered species habitats, open space, agriculture and aquaculture;

(2) the impact of the development on existing capital facilities, including but not limited to transportation and infrastructure, sewage, waste disposal, water supply, fair affordable housing, and meaningful employment;

(3) the physical size of the development and the site to be developed;

(4) the amount of pedestrian and vehicular traffic which the development would produce;

(5) the anticipated number of new residents or employees generated by development;

(6) the location of the development near a waterway, public land or municipal boundary;

(7) the extent of waste disposal, water supply, sewage treatment, parking, tourist services and public education facilities required for the development;

(8) the importance of the development to economic development in the region;

(9) the effect of the development on resources of the surrounding municipalities;

(10) other factors of regional concern as they may arise.

(c) Until the assembly of delegates has approved different standards and criteria under this section, the following developments shall be presumed to be developments of regional impact:

(1) Any proposed demolition or substantial alteration of an historic structure listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old Kings Highway Historic District.

(2) The development of any bridge, road or driveway providing direct vehicular access to the coast or a great pond.

(3) Any development which proposes to divide land of fifty acres or more which was in common ownership as of January first, nineteen hundred and eighty-eight.

(4) Any development which proposes to divide land of fifteen acres or more which was in common ownership as of January first, nineteen hundred and eighty-eight and which was the result of an earlier subdivision within the last seven years.

(5) Any development which proposes to divide land in common ownership into thirty or more residential dwelling units or ten or more business, office or industrial premises.

(6) Any proposed retail or wholesale business, office or industrial development, as well as any private, health, recreational or educational development which has a floor area as follows:

new construction: greater than ten thousand square feet; addition or auxiliary buildings: greater than five thousand square feet; or outdoor commercial space greater than forty thousand square feet. Use changes which have a floor area greater than ten thousand square feet.

(7) Any proposed development, including the expansion of existing develop-

ments, that is planned to create or accommodate more than thirty dwelling units.

(8) Any development the proposed construction or expansion of which will provide facilities for transportation to or from Barnstable county.

(d) The commission may compile and circulate to municipal agencies a list of proposed municipal projects throughout Barnstable county.

(e) A proposed development which does not exceed one of the specific thresholds in the interim standards and criteria set forth in subsection C of this section may be referred to the commission by a municipal agency, in the municipality where the development is located, or by the county commissioners or by the board of selectmen in any other municipality provided that the commission accepts the referral as a development which may have regional impacts and which presents one or more of the concerns listed in subsection *(b)*.

(f) After notice and public hearing, the commission may, at the time it publishes the final regional policy plan or at any time thereafter, propose amendments or modifications to the standards and criteria for developments of regional impact subject to the approval by ordinance of the assembly of delegates. For the purposes of sections twenty to twenty-three of chapter forty B of the General Laws, the commission shall be considered a local board.

(g) The commission shall adopt regulations establishing an application procedure for development approval, and may require payment of reasonable fees by persons to cover the cost of the commission review pursuant to subsection *(b)* of section eighteen. Such regulations shall include a list of data and analysis which the applicants must submit to facilitate commission review. The commission may, however, require the submission of additional data and analysis from an applicant if it considers such additional information necessary to assess the impact of the proposed development, and may establish a schedule for the submission and review of such data and analysis.

(h) Municipal agencies shall refer any proposed development which meets the standards and criteria set out by the commission for developments of regional impact to the commission for review, at which point the municipal agency's review shall be suspended until the commission has reviewed the proposed development. The commission shall invite municipal agencies to participate in all hearings. The commission may also review proposed developments that have not been referred by municipal agencies if, in the commission's judgment, the proposed developments meet the standards and criteria for developments of regional impact. If the commission determines that it should review a project that has not been referred to it by a municipal agency, it shall notify the municipal agency, the applicant, and the town clerk of the municipality in which the project is located of its intent to review the project by certified mail. Upon receipt of said notice, the municipal agency shall suspend its review of the application. The suspension of municipal agency review shall extend all constructive grant periods for municipal agencies for a period equal to the duration of commission review, such periods to resume

running after a final commission decision is rendered.

(i) Notwithstanding the foregoing, any proposed development for which an environmental notification form must be filed under the provisions of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws may be deemed a development of regional impact if the commission determines that the proposed development presents one or more of the concerns listed in subsection *(b)*. Any proposed development project for which the secretary of environmental affairs requires the preparation of an environmental impact report in accordance with the provisions of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws shall be deemed a development of regional impact.

(j) Any applicant for a development permit, whose application has not been referred to the commission by a municipal agency or taken up by the commission for review under subsection *(b)*, or any municipal agency may apply to the commission for a jurisdictional determination as to whether a development is a development of regional impact under the applicable standards and criteria established in and pursuant to subsections *(a)* and *(e)* of section twelve. The commission shall adopt regulations establishing a procedure for jurisdictional determinations hereunder, prescribing the form and content of applications therefor, and requiring the payment of reasonable fees by persons to cover the cost of commission review. The commission shall hold a public hearing and issue a determination as to applicability within twenty-one days after receipt of a fully completed application for a jurisdictional determination. The commission shall determine whether a proposed development meets the jurisdictional thresholds of the applicable standards and criteria governing developments of regional impact. The issuance of a determination of non-applicability shall be final, as applied for, unless, within sixty days of issuance, the commission's review of a development as a development of regional impact is initiated under subsection *(e)* of section twelve and provided that the secretary of environmental affairs has determined that no environmental impact report is required.

(k) Any applicant may apply to the commission for an exemption from commission review because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside of the municipality in which the development is to be located. The commission shall adopt regulations establishing a procedure for exemptions hereunder, prescribing the form and content of applications therefor, and requiring the payment of reasonable fees by applicants to cover the cost of commission review, provided that such fees shall not apply to any state agency. Each application for an exemption shall be noticed pursuant to subsections *(a)* and *(d)* of section five. The commission shall hold and complete a public hearing within forty-five days after receipt of a fully completed application for an exemption, provided that the certified list of abutters required by clause (2) of subsection *(d)* of section five is filed therewith. The commission shall make a

finding whether a proposed development which literally qualifies as a development of regional impact may nonetheless be exempted from commission review because it will have no significant impacts on the values and purposes specified in section one outside of the municipality in which it is proposed due to its particular location, character and environmental effects. The commission shall issue a written finding as to significant impacts within twenty-one days of the close of the public hearing. Any exemption granted under this subsection shall expire three years from the date of its issuance and its scope shall be strictly construed.

(l) The commission shall compile a list of all municipally owned land which might be appropriate for multi-family housing development and circulate the same to state and municipal affordable housing agencies.

(m) The provisions of this section shall not apply to any project for which a non-profit educational institution has applied for or has received funds for the design and construction of said project on or before July 1, 1989, from an appropriation of the United States government.

SECTION 13. *(a)* After receipt of a referral of a proposed development of regional impact or after taking up a project for review on its own initiative in accordance with subsection *(b)* of section twelve, the commission shall, within sixty days, hold a public hearing upon proper notice which shall include written notice to each owner and all abutters of property whose development is found to be of regional impact. Such hearing shall be closed within ninety days following its opening date, and the commission shall, within sixty days after such hearing is closed, render a decision on the proposed development; provided, however, that any referral received by the commission under section twelve prior to the first meeting of the commission shall be deemed to have been received at the first meeting of the commission. Failure of the commission to issue a written decision sixty days after the close of the hearing shall cause a development of regional impact to be deemed granted; provided, however, that this time limit may be extended by mutual agreement with the applicant. All of the commission's written decisions shall be filed with the clerk of the commission and notices of such decisions shall be published in a newspaper of general circulation in the municipality or municipalities in which the proposed development is located.

(b) Notwithstanding the foregoing, for any development subject to the provisions of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws, the commission shall conduct the public hearing referred to in subsection *(a)* within ninety days of the secretary of environmental affairs certification that no environmental impact report is required, or, if an environmental impact report is required, within forty-five days after the secretary of environmental affairs certifies the adequacy of the final environmental impact report.

(c) The chairman of the commission may at his or her discretion establish subcommittees to review specific developments of regional impact and report to

the full commission. Such a panel or subcommittee shall be composed of at least five commission members and shall make decisions by a majority vote.

(d) The commission shall review proposed developments of regional impact for their consistency with the act, and, when available, with the regional policy plan and local comprehensive plans. The commission shall approve or approve with conditions a development of regional impact and shall permit a municipal agency to grant a development permit for a proposed development of regional impact if the commission finds after public hearing that:

(1) the probable benefit from the proposed development is greater than the probable detriment;

(2) after a regional policy plan has been adopted in accordance with section eight, the proposed development is consistent with the regional policy plan and the local comprehensive plan of the municipality in which it is located if the municipality has adopted a local comprehensive plan which has been certified by the commission as consistent with the regional policy plan;

(3) the proposed development is consistent with municipal development by-laws, or if it is inconsistent, the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth; and

(4) if the proposed development is located in whole or in part within a designated district of critical planning concern, it is consistent with the regulations approved or adopted by the commission pursuant to section eleven.

(e) The commission may approve, approve with conditions, or disapprove the development of regional impact. If the commission disapproves the development of regional impact no further work may be done on the development. A development of regional impact which has been approved, or approved with conditions shall be valid and effective, and municipal development permits may be issued pursuant thereto for seven years following the date of the written decision; provided, however, that in the event of any appeal from the decision, the seven year period specified herein shall begin only after the final disposition of any appeal. Upon the expiration of said seven year period, or said seven years as extended, no municipality may issue development permits pursuant to the original development of regional impact decision.

(f) Notwithstanding the provisions of subsection *(d)* of section thirteen, the commission shall approve or approve with conditions a development of regional impact where an applicant demonstrates that to disapprove the development of regional impact would constitute a taking of property in violation of the Massachusetts and United States Constitutions; provided, however, that no reasonably foreseeable danger to the public health or safety will arise from such approval or approval with conditions.

(g) Subject to the provisions of subsection *(h)*, the commission may impose

conditions on any development of regional impact as required to offset or mitigate impacts of the development on the interests protected by this act. A development of regional impact decision may require that the applicant receive certificates of compliance from the commission or its designee at specified stages of the project. If such a condition is imposed upon the project, a certificate of compliance shall be obtained from the commission or its designee before the local official responsible for issuing certificates of occupancy may issue a certificate of occupancy for the development.

(h) In any case where a municipality's by-laws, ordinances, rules or regulations would be more restrictive than the conditions imposed by the commission on a development or regional impact, nothing in this act shall prevent the municipality from enforcing its by-laws, rules or regulations. In any case where the commission's conditions for a development of regional impact relate to a development subject to municipal historic district or the Old Kings Highway Historic District regulations, the commission shall conform its conditions to those regulations.

(i) The commission may bring suit in the superior court for Barnstable county or the land court to enforce its decisions under this section or to preserve its jurisdiction.

(j) For the purposes of sections twenty to twenty-three, inclusive, of chapter forty B of the General Laws, the commission shall be considered a local board.

(k) The provisions of this section shall not apply to a project for which a non-profit educational institution has applied for or has received funds for the design and construction of said project on or before July 1, 1989, from an appropriation of the United States government.

SECTION 14. *(a)* An applicant may choose to participate with the commission and/or a municipality or municipalities, pursuant to subsection *(d)* of section nine, within which the development is located in a development agreement process. A development agreement is a contract between the applicant and the commission and a municipality or municipalities under which the applicant may agree to contribute public capital facilities to serve the proposed development and the municipality or both, to build fair affordable housing either on-site or off-site, to dedicate or reserve land for open-space community facilities or recreational use or to contribute funds for any of these purposes. The development agreement shall establish the permitted uses, densities, and traffic within the development, the duration of the agreement, and any other terms or conditions mutually agreed upon between the applicant and the commission. A development agreement shall vest land use development rights in the property for the duration of the agreement, and such rights shall not be subject to subsequent changes in development by-laws or commission regulations and designations.

(b) The commission shall adopt regulations setting out the requirements for parties entering into development agreements in accordance with this act.

(c) Where appropriate, the commission shall encourage development agree-

ments among multiple parties, including multiple municipalities, the commission and state agencies.

(d) A municipality may undertake such other measures as it deems necessary to carry out a development agreement.

SECTION 15. *(a)* The commission shall adopt regulations governing the procedure by which a municipality or municipalities pursuant to subsection *(d)* of section nine or the commission may calculate, assess and impose impact fees on proposed developments, including procedures for waiving or offsetting impact fees for affordable housing developments.

(b) Any impact fee assessed under this section shall be paid to and held in a separate account in the municipality in which the proposed development is located or, in the event that the proposed development is located in more than one municipality, the impact fee shall be apportioned among the municipalities in accordance with the land area of the proposed development in each municipality or in such other allocation as the commission may approve.

(c) Any impact fee imposed or permitted under subsection *(a)* shall comply with the following:

(1) it shall have a rational nexus to an impact created by the development;

(2) it shall reasonably benefit the proposed development;

(3) it shall be used for the development or improvement of capital facilities in accordance with the agency or municipality's capital facilities planning element of the local comprehensive plan; and

(4) it shall be spent or used within a reasonable period of time or, any portion not spent or used within a reasonable period of time, shall be refunded to the applicant or party legally entitled to it as a result of an assignment from the applicant.

(d) Nothing in this section shall prevent a municipality from imposing fees which it may otherwise impose under applicable laws and constitutional provisions but under no circumstances may a municipality impose a fee more than once for the same impact.

SECTION 16. *(a)* Development in Barnstable county subject to commission review or located within a district of critical planning concern shall be consistent with the regional policy plan, local comprehensive plans, district of critical planning concern guidelines, local implementing regulations and conditions imposed by the commission on developments of regional impact.

(b) All developments in Barnstable county requiring any state agency activity requiring the filing of an environmental notification form or environmental impact report pursuant to sections sixty-one to section sixty-two H, inclusive, of chapter thirty of the General Laws shall be reviewed by the commission. Any person filing an environmental notification form or an environmental impact report for a proposed development in Barnstable county shall at the same time send a copy of such environmental notification form or environmental impact report to the

commission. The commission shall then have thirty days in which to submit its written comments to the secretary of environmental affairs. The secretary of environmental affairs shall, in making a decision with respect to either an environmental notification form or an environmental impact report, give due consideration to, and respond in writing to any comments submitted by the commission.

(c) The regional policy plan, the standards and criteria for developments of regional impact and local comprehensive plans shall be taken into consideration by the coastal zone management office of the executive office of environmental affairs as part of its regulatory policies. Coastal zone management shall refer all coastal zone management consistency certifications for proposed activities in Barnstable county to the commission for review of consistency with the regional policy plan and local comprehensive plans. The commission shall notify coastal zone management of any objections to a consistency certification where it finds proposed activities are inconsistent with the regional policy plan and local comprehensive plans. Any conflict between coastal zone management and the commission regarding the matters contained in this subparagraph shall be referred to and resolved by the secretary of the executive office of environmental affairs.

SECTION 17. *(a)* The commission shall, in the event of a dispute, encourage all parties to engage in available dispute resolution mechanisms, including, but not limited to, negotiation, mediation or arbitration.

(b) Any party aggrieved by a commission decision on a development of regional impact may appeal the commission's decision to the Barnstable county superior court or the land court. Any appeal of a development of regional impact decision shall be filed within thirty days after the commission has sent the applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the town clerk of any municipality in which the proposed development is located. Notice of such appeal shall be served within such thirty days on the town clerk for the municipality in which the proposed development is located and the commission.

(c) No claim of a procedural defect in the proceedings for designation of a district of critical planning concern shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless action is commenced within ninety days of the designation and notice specifying the court, parties, procedural defects claimed and date of filing is filed, together with a copy of the petition, with the commission within seven days after commencement of the action.

(d) The court shall, on appeal, hear all evidence pertinent to the authority of the commission and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of said commission or make such other decree as justice and equity may require. The foregoing remedy shall

be exclusive.

All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.

(e) Upon the filing of any action challenging the validity or constitutionality of any provision of this act or its application, the commission, if not named as a defendant, shall be notified and permitted to intervene as a party in interest. Such notification shall be given by the party filing the action.

SECTION 18. *(a)* The commission shall be funded in accordance with the procedures established by the Barnstable county home rule charter, and in accordance with this section.

(b) A budget proposal reflecting anticipated revenues and expenses for the following fiscal year shall be submitted annually in accordance with Barnstable county administrative and budgetary procedures.

(c) Subject to the terms and conditions of the Barnstable county home rule charter, the commission may levy reasonable fees for the recovery of its regulatory activities and services that it provides and it may accept grants from public or private persons or entities. Such receipts shall be applied to the cost of operation of the commission.

(d) (i) To the extent that the amounts for the commission's budget exceed revenues derived under subsection *(c)* such excess amounts may be raised in accordance with sections thirty and thirty-one of chapter thirty-five of the General Laws, in an amount of not more than two million dollars, which shall not increase annually beyond the amount of two million dollars by more than two and one-half percent except as increased by those amounts approved by the voters pursuant to paragraph *(ii)*. Any such excess amounts shall be exempt from the provisions of section twenty A of chapter fifty-nine of the General Laws and amounts so assessed by the county or any municipality shall not be included in calculating the total taxes assessed under subsection *(a)* or the maximum levy limit under subsection *(f)* for such municipality under section twenty-one C of chapter fifty-nine of the General Laws. Any such assessment made upon the municipalities of Barnstable county in accordance with sections thirty and thirty-one of chapter thirty-five of the General Laws shall be indicated separately from all other county taxes within the assessments made by the assessors thereof. Any amounts received under the assessments made pursuant to this subsection or pursuant to paragraph *(ii)* shall be deposited into an account to be known as The Cape Cod Environmental Protection Fund which shall be used only to fund the approved budget of the Cape Cod commission.

(ii) The assembly of delegates shall seek voter approval in order to assess an amount in excess of the two million dollars, increasing annually by not more than two and one-half percent, referred to in paragraph *(i)* as follows: after appropriation and assessment as described in said paragraph *(i)* the county commissioners shall either cause each municipality to place a question on the next biennial state

ballot or shall fix a date for a county-wide election which shall be at least sixty days prior to the first day of the next fiscal year. Otherwise, each municipality shall conduct a special election on a date so fixed by the county commissioners, or on the date of the annual municipal election if said annual election is not more than thirty days after or not more than thirty days prior to said date fixed by the county commissioners. Each municipality shall certify the results of any such election to the county commissioners and the state secretary. The town clerk of each municipality shall place upon the ballot at such election the following question:

"Shall the municipalities of Barnstable County be allowed to assess an additional $ _____ of which $ _____ shall be assessed to the town of _____ for the purpose of funding the budget for the regulatory powers, duties, responsibilities and obligations of the Cape Cod Commission, the region's land use and planning agency?

Yes ___ No ___

Amounts approved by the voters under this question shall not be included in calculating the "total taxes assessed" in paragraph (a) or the maximum levy limit in paragraph (f) of section twenty-one C of chapter fifty-nine of the General Laws."

Any such question shall be deemed approved if a majority of the persons voting thereon in Barnstable county vote yes.

SECTION 19. *(a)* The governor shall appoint a governor's committee for the purpose of ensuring that, to the greatest extent feasible, state agency planning is coordinated with and implemented in conjunction with the duties, responsibilities, plans and policies of the Cape Cod commission and the purposes of this act.

(b) The governor shall appoint the chair of the committee. The governor's committee shall meet with the commission at least once quarterly for the first two years of the commission's existence and at least annually thereafter.

(c) The governor's committee and any state agency may also engage in joint planning programs with the commission.

SECTION 20. *(a)* The powers, duties, responsibilities and obligations of the Cape Cod planning and economic development commission, established under chapter four hundred and fifty-three of the acts of nineteen hundred and sixty-five, shall be transferred to the Cape Cod commission immediately upon its creation under this act. All contracts, employee rights and pension benefits held by or guaranteed by the Cape Cod planning and economic development commission or by Barnstable county on its behalf shall be preserved and retained by Barnstable county on behalf of the Cape Cod commission.

(b) All petitions, hearings and other procedures duly brought before, and all prosecutions and legal and other proceedings duly begun by, any person, municipal agency, local board or official or the Cape Cod planning and economic development commission, which arise from or relate to the exercise of its powers or the performance of duties, and which are pending or incomplete immediately prior to the effective date of this act, shall continue unabated and remain in full

force and effect notwithstanding the passage of this act, and shall thereafter be completed in accordance with this act.

(c) All orders, actions, guidelines, standards, criteria, designations, procedures, by-laws, regulations, conditions, modifications, and decisions duly made and all licenses, permits, authorities, permissions, certificates, approvals and endorsements duly granted, by any municipality, municipal agency, local board, or an official of the Cape Cod planning and economic commission, which arise from or relate to the exercise of its powers or the performance of duties, and which are in effect immediately prior to the effective date of this act, shall continue in full force and effect and provisions thereof shall thereafter be enforced until superseded, revised, rescinded or cancelled in accordance with this act and any other applicable law.

(d) All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities, and other property both personal and real which immediately prior to the effective date of this act are in the custody of the Cape Cod planning and economic commission or are in the custody of Barnstable county on its behalf, which relate to or are maintained for the purpose of the exercise of its powers or the performance of duties, shall be held by the Cape Cod commission established under the provisions of this act, or may be held by Barnstable county on its behalf.

(e) All assessments made by the Cape Cod planning and economic development commission and all monies heretofore received or to be received from any source by said commission for the performance of its duties and which remain unexpended on the effective date of this act shall immediately be transferred to Barnstable county on behalf of the Cape Cod commission established under the provisions of this act.

SECTION 21. The county commissioners shall fix a date for a county wide election not sooner than sixty days nor later than one hundred and fifty days after the date of passage of this act. Each municipality shall conduct a special election pursuant hereto on the date so fixed and shall certify the results thereof to the county commissioners and the state secretary. The town clerk of each municipality shall place upon the ballot at such election, the following question:

Shall the provisions of chapter ___ (here insert chapter number) of the Acts of 198_ (here insert year) which would authorize (1) the establishment of the Cape Cod Commission which will be funded by the Barnstable County Assembly of Delegates, in accordance with Barnstable County administrative and budgetary procedures; and (2) the possible assessment by the County Assembly of Delegates of up to but not more than $2 million per year, which amount shall be placed into an account to be known as "The Cape Cod Environmental Protection Fund" to be used only to fund the approved budget of the Cape Cod Commission and which amount would, at most, result in an increase in the property tax rate in the municipality of ____ (here insert name of municipality) of no more than ____ (here insert amount), be accepted in Barnstable County?

This act shall take effect only after all of the municipalities in Barnstable County have voted on the question and if it has been approved by a majority of all votes cast on the question. The effective date of the act shall be the date of such election.

Within thirty days from the date of passage the state secretary shall provide copies of this act to the town clerks for distribution to those voters who may request copies. The attorney general shall prepare a fair and concise summary of this chapter which he shall provide to the town clerks of the municipalities within thirty days after the effective date of this act. The town clerks of the municipalities shall mail a copy of the summary to each registered voter no later than ten days prior to the election together with a notice that full copies of this act are available from the town clerk upon request.

SECTION 22. *(a)* This act shall not apply to any development constructed in accordance with a building permit issued prior to the effective date of this act.

(b) This act shall not apply to any development which prior to July first, nineteen hundred and eighty-nine has received any one of the following: an order of conditions under section forty of chapter one hundred thirty-one of the General Laws; a special permit or variance under chapter forty A; a comprehensive permit under chapter forty B;or a statement of the secretary of environmental affairs that the environmental impact report adequately complies with sections sixty-two to sixty-two H, inclusive, of chapter thirty, and which development is constructed or is thereafter constructed in substantial compliance therewith.

(c) The provisions of this act shall not apply to the grant of a development permit by a municipality or state agency for the repair, upgrade, change, alteration or extension of a single family dwelling or an accessory structure, septic system or water well relative thereto, if such dwelling existed prior to July first, nineteen hundred and eighty-nine, unless such upgrade, change, alteration or extension is greater than twenty-five percent of the floor area of the dwelling.

(d) The provisions of this act shall not apply to a development which, as of July first, nineteen hundred and eighty-nine, had applied for and was entitled to one of the permits or approvals listed in subsections *(a)* and *(b)* of this section but said approval or permit did not issue due to: (1) the existence of a development moratorium imposed by a town meeting prior to July first, nineteen hundred and eighty-nine, so long as such moratorium is terminated and the permit or approval actually issues as originally applied for and so long as the development is constructed in accordance with said permit or approval; (2) because the grant or denial of such a permit or approval was the subject of judicial review entered prior to July first, nineteen hundred and eighty-nine, and said judicial review is concluded in the applicant's favor and so long as the development is constructed thereafter in accordance with said permit or approval; or (3) because of negotiations with the planning board, as long as the planning board and the applicant have mutually agreed to extend any applicable deadline or because of ongoing administrative or appeals process, and said approval is thereafter received by July

first, nineteen hundred and ninety, and is thereafter approved by the local board of selectmen by August first, nineteen hundred and ninety, and so long as the development is constructed in accordance with said permit or approval as originally applied for.

(e) This act shall not apply to a lot or lots shown on a subdivision plan endorsed by a planning board prior to July first, nineteen hundred and eighty-nine, in accordance with section eighty-one V of chapter forty-one of the General Laws, if the planning board has released the security held by it to ensure completion of construction of ways and the installation of municipal services, as required by section eighty-one U of said chapter forty-one, prior to the effective date of this act.

SECTION 23. The commission shall have the power after holding a public hearing pursuant to section five to grant an exemption, in whole or in part and with appropriate conditions, to any applicant from the terms and provisions of this act where the commission specifically finds that a literal enforcement of the provisions of the act would involve substantial hardship, financial or otherwise, to the applicant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the act.

SECTION 24. *(a)* When a municipality or state agency makes a determination that an emergency exists and that a development is necessary for the immediate protection of the health or safety of the public, the municipality or state agency may issue a development permit to conduct such emergency work notwithstanding that ordinarily such work would require a referral to the commission as a development of regional impact.

(b) A municipality or state agency shall make a site inspection prior to issuing a determination that work on a development is of an emergency nature and requires a development permit without a development of regional impact approval. The determination regarding an emergency development shall include a description of the work which is allowed on an emergency basis, but shall not include any work beyond that which is necessary to abate the emergency.

(c) Work on a development to abate an emergency shall not extend more than thirty days after the occurrence of the emergency unless written approval from the commission has been obtained, by the municipality, the state agency or by the owner of the development.

(d) A copy of the determination of the emergency and of the development permits issued by the municipality or by the state agency shall be sent to the commission immediately upon issuance.

(e) The commission may, on its own motion or at the request of any person, review an emergency determination and the work authorized thereunder. Such review shall not operate to stay the work permitted by the municipality or the state agency unless the commission specifically so orders. The commission shall adopt regulations for an expedited review of emergency determinations under this

section.

SECTION 25. Section 7-4 of Article 7 of chapter 163 of the acts of 1988 is hereby amended by striking out, in line 6, the word "or,",and by inserting after the word "obligation", in line 7, the words:- or, (6) any ordinance adopted pursuant to the Cape Cod Commission Act unless otherwise specified; provided, however, that any ordinance resulting in the reorganization, consolidation, abolition, merger, division or alteration of the terms of office, the manner of selection, number of members or prescription of the functions, powers, duties and responsibilities of the Cape Cod Commission shall be subject to the citizen referendum provisions of section 7-3; and provided, further, that any such action ultimately approved by the assembly of delegates or by the Barnstable county voters shall be reported to the senate and house clerks of the general court and be transmitted by them to the joint committee on local affairs.

Emergency Letter: January 16, 1990 @ 11:46 A.M. Approved January 12, 1990.

Chapter 717. AN ACT RELATIVE TO THE UNITARIAN UNIVERSALIST ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of section 2 of chapter 148 of the acts of 1960 is hereby amended by inserting after the word "purposes", in line 5, the words:- including the authority to offer and grant the degree of Master of Divinity and to offer and grant a Certificate of Advanced Graduate Study.

SECTION 2. The authority to offer and grant the degree of Master of Divinity and to offer and grant a Certificate of Advanced Graduate Study shall be subject to the prior approval of the board of regents of higher education acting in conformity with section thirty of chapter sixty-nine of the General Laws and subject to its provisions and the board's regulations promulgated pursuant thereto.

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

Approved January 13, 1990.

Chapter 718. AN ACT RELATIVE TO ASSESSMENT ADMINISTRATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the efficient collection of real estate taxes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 24B of chapter 36 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Said register or assistant recorder shall require from each person who appears before him to record a deed to real property, such information as the commissioner of revenue may deem necessary to assist the assessors in the performance of their duties under sections eleven and thirty-eight of chapter fifty-nine. Said information shall be collected on a form approved by the commissioner of revenue and each completed form shall be forwarded by said register or assistant recorder to the board of assessors of the city or town in which the property lies.

SECTION 2. Section 56 of chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Once certified, a city or town may classify in the manner set out in this section for the year of certification and for the two years next following said year of certification.

SECTION 3. Section 61A of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A person applying for an abatement of a tax on real estate or personal property shall, upon request, exhibit to the assessors the property to which the application for abatement relates and if required by said assessors, shall exhibit and identify such property, and further, shall, upon request, furnish under oath such written information as may be reasonably required by the board of assessors to determine the actual fair cash valuation of the property to which the application for abatement relates including, but not limited to, income and rents received, and the expenses of maintaining such property.

SECTION 4. Section thirty-five of chapter fifty-nine of the General Laws is hereby repealed.

SECTION 5. Said chapter 59 is hereby further amended by striking out section 63, as so appearing, and inserting in place thereof the following section:-

Section 63. Assessors shall, within ten days after their decision on an application for an abatement, send written notice thereof to the applicant. If the assessors fail to take action on such application for a period of three months following the filing thereof, they shall, within ten days after such period, send the applicant written notice of such inaction. Said notice shall indicate the date of the decision or the date the application is deemed denied as provided in section sixty-four, and shall further state that appeal from such decision or inaction may be taken as provided in sections sixty-four to sixty-five B, inclusive.

SECTION 6. Section 64 of said chapter 59, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "receiving the notice" and inserting in place thereof the words:- the date.

SECTION 7. Section 65 of said chapter 59, as so appearing, is hereby amended by striking out, in line 5, the words "receiving the notice" and inserting in place

thereof the words:- the date.

SECTION 8. Section 65C of said chapter 59, as so appearing, is hereby amended by striking out, in line 4, the words "notify the applicant of such inaction in writing" and inserting in place thereof the words:- send written notice of such inaction to the applicant.

Approved January 13, 1990.

Chapter 719. AN ACT RELATIVE TO ESTABLISHMENT OF SAVINGS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 168 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of sections seven to ten, inclusive, or any general or special law to the contrary, fifteen or more individuals, who associate themselves by a written agreement for the purpose of forming a stockholder owned savings bank, may, upon compliance with this section, and sections five and six, become a corporation with all of the powers and privileges of a savings bank under section two. Such corporation in its agreement of association shall comply with subsections (e), (f), and (g) of section five of chapter one hundred and seventy-two and section eight of said chapter one hundred and seventy-two. Upon its formation, the said corporation shall be subject to the provisions of sections eight to fifteen, inclusive, sections nineteen, twenty, twenty-two, twenty-four, twenty-six A, twenty-seven, twenty-eight, thirty, thirty-one and other applicable sections of chapter one hundred and seventy-two, except that any reference in any of said sections to trust company shall be deemed also to be a reference to savings bank.

SECTION 2. Section 2 of chapter 170 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of sections six to ten, inclusive, and any general or special law to the contrary, twenty or more individuals, who associate themselves by a written agreement for the purpose of forming a stockholder owned co-operative bank, may upon compliance with this section and sections four and five, become a corporation with all the powers and privileges of a co-operative bank under section one A. Such corporation in its agreement of association shall comply with the requirements of subsections (a), (e), (f) and (g) of section five of chapter one hundred and seventy-two and section eight of said chapter one hundred and seventy-two. Upon formation, the said corporation shall be subject to the provisions of sections eight to fifteen, inclusive, sections nineteen, twenty, twenty-two, twenty-four, twenty-five, twenty-six A, twenty-seven, twenty-eight,

thirty, thirty-one and other applicable sections of said chapter one hundred and seventy-two, except that any reference in any of said sections to trust company shall be deemed also to be a reference to co-operative bank.

Approved January 13, 1990.

Chapter 720. AN ACT PROVIDING FOR LICENSING OF EDUCATIONAL PSYCHOLOGISTS.

Be it enacted, etc., as follows:

SECTION 1. Section 88 of chapter 13 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- There shall be a board of registration of allied mental health and human services professions, in this section and sections eighty-nine and ninety, which shall consist of eleven members, one of whom shall be designated as chairperson, to be appointed in the manner provided by section eighty-nine. Of the first board members appointed five shall continue in office for one year, three for two years and three, including the chairperson, shall continue in office for three years.

SECTION 2. Subparagraph (A) of the first paragraph of section 89 of said chapter 13, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Eight members shall be licensed practicing mental health and human services professionals, two of whom shall be marriage and family therapists, two of whom shall be rehabilitation counselors, two of whom shall be mental health counselors, two of whom shall be educational psychologists; and each shall have been, for at least five years immediately preceding appointment, actively engaged as a practitioner rendering professional services in that field, or in the education and training of graduate students or interns in the field, or in appropriate human developmental research, or in other areas substantially equivalent thereto, and shall have spent the majority of the professional time in such activity during the two years preceding the appointment in the commonwealth.

SECTION 3. The first paragraph of section 90 of said chapter 13, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Seven members of the board shall constitute a quorum; provided, however, that at least one of those seven shall be a member who was selected from and who represents the general public.

SECTION 4. Section 163 of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Allied Mental Health and Human Services Professional" and inserting in place thereof the following definition:-

"Allied mental health and human services professional", a licensed marriage and family therapist, a licensed rehabilitation counselor, a licensed educational psychologist or a licensed mental health counselor.

SECTION 5. Said section 163 of said chapter 112, as so appearing, is hereby further amended by inserting after the definition of "Practice of mental health counseling" the following two definitions:-

"Licensed educational psychologist", a person licensed or eligible for licensure under section one hundred and sixty-five of this chapter and who has been certified as a school psychologist by the Massachusetts department of education; provided, however, that an educational psychologist shall not perform in private practice any of the services for which he is licensed for any student in a school system by which such educational psychologist is employed and provided, further, that an educational psychologist who violates this provision shall have his license suspended for a period to be determined by the board pursuant to the provisions of section one hundred and sixty-nine.

"Practice of educational psychology", the rendering of professional services to individuals, groups, organizations or the public for compensation, monetary or otherwise.

Such professional services include: applying psychological principles, methods and procedures in the delivery of services to individuals, groups, families, educational institutions and staff and community agencies for the purpose of promoting mental health and facilitating learning. Such services may be preventative, developmental or remedial and include psychological and psychoeducational assessment, therapeutic intervention, program planning and evaluation, research, teaching in the field of educational psychology, consultation and referral to other psychiatric, psychological, medical and educational resources when necessary.

SECTION 6. The first paragraph of section 164 of said chapter 112, as so appearing, is hereby amended by striking out clauses (2) and (3) and inserting in place thereof the following three clauses:-

(2) licensed marital or marriage and family therapist, advisor or consultant;

(3) licensed rehabilitation counselor, specialist, advisor or consultant; or

(4) licensed educational psychologist, specialist, advisor or consultant.

SECTION 7. Section 165 of said chapter 112, as so appearing, is hereby amended by inserting after the word "counselor", the first time it appears in line 2, the following words:- , an educational psychologist.

SECTION 8. Section 171 of said chapter 112, as so appearing, is hereby amended by inserting after the word "therapist", the second time it appears in line 4, the following words:- , educational psychologist.

SECTION 9. The board shall issue a license to practice as an educational psychologist, without examination, to any applicant who applies on or before July first, nineteen hundred and ninety-one, if the applicant meets the qualifications of

section one hundred and sixty-five of chapter one hundred and twelve of the General Laws, as amended by this act. In addition, the board may, in its own discretion, issue a license to any applicant who has been practicing as an educational psychologist for a period of at least two years, and who satisfies the board that he or she meets the professional standards established by the standards committee.

The board may issue a temporary permit effective for up to two years to any applicant seeking a license under the provisions of this section, if such applicant is required to complete additional course work or satisfy any other requirement as established by the board.

Any applicant seeking a license shall be required to pay fees as provided for in paragraph K of section ninety of chapter thirteen of the General Laws.

An individual licensed under the provisions of this section shall not be subject to the penalties of section one hundred and seventy-one of chapter one hundred and twelve of the General Laws, as amended by this act.

Approved January 13, 1990.

Chapter 721. AN ACT RELATIVE TO THE INSURANCE COVERAGE OF EARLY INTERVENTION SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Section 47C of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services including occupational, physical and speech therapy, nursing care and psychological counseling. Such medically necessary services shall be provided by persons licensed under the provisions of chapter one hundred and twelve, who are working in early intervention programs approved by the department of public health, as defined in sections one and two of chapter one hundred and eleven G, for children from birth until three months after their third birthday or until September first of the year of the recipient's third birthday if the recipient was born after April first. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or third party, with a maximum benefit of two thousand four hundred dollars per year per child and an aggregate benefit of eight thousand dollars over the total enrollment period.

SECTION 2. Section 8B of chapter 176A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services including occupational, physical

and speech therapy, nursing care and psychological counseling; provided, however, that such dependent coverage for early intervention services shall be included in individual medical service agreements delivered, issued or renewed on or after January first, nineteen hundred and ninety-one. Such medically necessary services shall be provided by persons licensed under the provisions of chapter one hundred and twelve who are working in early intervention programs approved by the department of public health, as defined in sections one and two of chapter one hundred and eleven G, for children from birth until three months after their third birthday or until September first of the year of the recipient's third birthday if the recipient was born after April first. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or third party, with a maximum benefit of two thousand four hundred dollars per year per child and an aggregate benefit of eight thousand dollars over the total enrollment period.

SECTION 3. Section 4C of chapter 176B of the General Laws, as appearing, is hereby amended by adding the following paragraph:-

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services including occupational, physical and speech therapy, nursing care and psychological counseling; provided, however, that such dependent coverage for early intervention services shall be included in individual medical service agreements delivered, issued or renewed on or after January first, nineteen hundred and ninety-one. Such medically necessary services shall be provided by persons licensed under the provisions of chapter one hundred and twelve, who are working in early intervention programs approved by the department of public health, as defined and described in sections one and two of chapter one hundred and eleven G, for children from birth until three months after their third birthday or until September first of the year of the recipient's third birthday if the recipient was born after April first. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or third party, with a maximum benefit of two thousand four hundred dollars per year per child and an aggregate benefit of eight thousand dollars over the total enrollment period.

SECTION 4. Section 4 of chapter 176G of the General Laws, as so appearing is hereby amended by adding the following paragraph:-

The dependent coverage of any such policy shall also provide coverage to eligible persons for appropriate medically necessary early intervention services including occupational, physical and speech therapy, nursing care and psychological counseling; provided, however, that the determination of appropriate medical necessity shall be made by the dependent's primary care physician. In making such a determination, the primary care physician shall consider the assessment of an interdisciplinary team operating within an early intervention program approved by the department of public health, as defined and described in sections one and two of chapter one hundred and eleven G. Such appropriate medically necessary

services shall be provided by persons licensed under chapter one hundred and twelve who are working in early intervention programs that meet standards established by the department of public health, to children from birth until three months after their third birthday or until September first of the year of the recipient's third birthday if the recipient was born after April first. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or third party, with a maximum benefit of two thousand four hundred dollars per year per child and an aggregate benefit of eight thousand dollars over the total enrollment period.

Approved January 13, 1990.

Chapter 722. AN ACT FURTHER REGULATING HOUSING RIGHTS FOR CERTAIN PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 79 of chapter 6 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (h) and inserting in place thereof the following two clauses:-

(h) it shall make an annual report to the general court, a copy of which shall be filed with the clerk of the house of representatives on or before the first Wednesday in December;

(i) it shall maintain a central registry of apartment housing which is accessible or adaptable, as defined in section thirteen A of chapter twenty-two, and a list of persons seeking accessible or adaptable apartment housing and shall notify them as said apartment housing becomes available and shall maintain a toll free telephone line, subject to appropriation, for persons to obtain information about accessible and adaptable apartment housing.

SECTION 2. Section 16 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the word "and",- and by inserting after the word "patients", in line 10, the following clause:- ; and (g) support services to enable patients to live in apartment housing in the community.

SECTION 3. The second paragraph of section 13 of chapter 19B of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the word "and",- and by inserting after the word "delivery", in line 11, the following clause:- ; and (i) support services to enable clients to live in apartment housing in the community.

SECTION 4. The fourth paragraph of section 13A of chapter 22 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- The rules and regulations of the board shall also establish standards and procedures designed to make adaptable for physically handicapped persons (1) all dwelling

units in multiple dwellings equipped with an elevator and (2) all ground floor dwelling units in multiple dwellings not equipped with an elevator; provided, however, that the dwelling is constructed for first occupancy after March thirteenth, nineteen hundred and ninety-one. Said rules and regulations shall include, but not be limited to, detailed architectural standards further defining adaptable dwelling units, and such other provisions necessary to provide rights and remedies substantially equivalent to the rights and remedies provided by the federal Fair Housing Act and regulations thereunder as they pertain to such multiple dwellings.

SECTION 5. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

Unless otherwise specified, five percent of the units in lodging or residential facilities for hire, rent or lease, containing twenty or more units, shall be fully adaptable and safe for physically handicapped persons; provided, however, that said adaptable units shall allow five feet of turning radius for a wheelchair in the kitchens and bathrooms. In the event that the board determines that the need, in certain areas of the commonwealth, for such units either exceeds or does not require said five percent, the board may require that, in said areas a percentage of units less than five percent or not greater than ten percent be fully adaptable and safe for physically handicapped persons; provided, however, that said adaptable units shall allow five feet of turning radius for a wheelchair in the kitchens and bathrooms. The board may make such determination only if there is sufficient factual basis, using data from the central registry of the Massachusetts Rehabilitation Commission and other sources, to establish with a reasonable degree of certainty the present and future needs for said adaptable units in certain areas of the commonwealth. A percentage of less than five percent shall not be established unless such adaptable units, which are not needed by physically handicapped persons, cannot be readily hired, rented, or leased to other persons.

SECTION 6. The ninth paragraph of said section 13A of said chapter 22, as so appearing, is hereby amended by adding the following sentence:- The board shall have the authority to issue subpoenas.

SECTION 7. The fourteenth paragraph of said section 13A of said chapter 22, as so appearing, is hereby amended by inserting after the definition of "Accessible" the following definition:-

"Adaptable", can readily be made accessible to, functional and safe for use by physically handicapped persons without structural change. With respect to dwelling units, an adaptable kitchen or bathroom need not include additional floor space to meet otherwise applicable accessibility standards, so long as there is sufficient clear floor space so that all elements of the kitchen and bathroom are functional and safe for use by physically handicapped persons and without imposing an undue hardship on the owner or other person having the right of ownership pursuant to subsection seven A of section four of chapter one hundred

and fifty-one B.

SECTION 8. Said fourteenth paragraph of said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the definition of "Construction" the following definition:-

"Multiple dwelling", a lodging or residential facility for hire, rent, lease or sale, containing three or more dwelling units.

SECTION 9. Chapter 23B of the General Laws is hereby amended by inserting after section 5A the following section:-

Section 5B. There shall be within the department a joint task force on housing for persons with disabilities, consisting of one employee of the executive office of communities and development to be appointed by the secretary of said executive office; one employee of the Massachusetts Housing Finance Agency to be appointed by the executive director of said agency; two employees of the executive office of human services to be appointed by the secretary of said executive office; two persons, not employees of the commonwealth, from the disability community to be appointed by the secretary of human services, after consultation with the secretary of communities and development and the director of the office of handicapped affairs; and two other persons, not employees of the commonwealth, who are experts in the production or management of such housing to be appointed by the secretary of human services, after consultation with the secretary of communities and development and with leaders of trade associations and others in the private sector, including the chief executive officer of the Rental Housing Association.

Said joint task force may advise the secretaries of human services and communities and development and the executive director of the Massachusetts Housing Finance Agency on questions relating to the development and management of housing used by persons with disabilities and may act in a consultative capacity to any persons with problems or disputes relating to such housing.

SECTION 10. The second paragraph of section 32 of chapter 121B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following clause:-

(h) It shall take steps necessary to maximize the utilization of handicap-accessible units by a person whose disability requires the accessibility features of the particular unit, including, but not limited to, (1) assuring that timely and appropriate information regarding the availability of handicap-accessible units reaches persons who may be interested in and eligible for such units, (2) except in an emergency, making available a vacant handicap-accessible unit to a person whose disability requires the accessibility features of the particular unit even though another person not requiring the accessibility features of the particular unit would otherwise be offered the unit according to the tenant selection criteria established pursuant to this chapter.

SECTION 11. Section 1 of chapter 151B of the General Laws, as so appearing,

is hereby amended by striking out subsection 17 and inserting in place thereof the following subsection:-

17. The term "handicap" means (a) a physical or mental impairment which substantially limits one or more major life activities of a person; (b) a record of having such impairment; or (c) being regarded as having such impairment.

SECTION 12. Said section 1 of said chapter 151B, as so appearing, is hereby further amended by adding the following three subsections:-

19. The term "handicapped person" means any person who has a handicap.

20. The term "major life activities" means functions, including, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

21. The term "accessible" means that housing is functional for and can be safely and independently used by a physically or mentally handicapped person and complies with rules or regulations established by the commission.

SECTION 13. Section 4 of said chapter 151B, as so appearing, is hereby amended by striking out subsection 3B and inserting in place thereof the following two subsections:-

3B. For any person whose business includes granting mortgage loans or engaging in residential real estate-related transactions to discriminate against any person in the granting of any mortgage loan or in making available such a transaction, or in the terms or conditions of such a loan or transaction, because of race, color, religion, sex, sexual orientation which shall not include persons whose sexual orientation involves minor children as the sex object, children, national origin, ancestry, age or handicap. Such transactions shall include, but not be limited to:

(1) the making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling; or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate; or

(2) the selling, brokering, or appraising of residential real estate.

In the case of age, the following shall not be an unlawful practice:

(1) an inquiry of age for the purpose of determining a pertinent element of credit worthiness;

(2) the use of an empirically derived credit system which considers age; provided, however, that such system is based on demonstrably and statistically sound data; and provided, further, that such system does not assign a negative factor or score to any applicant who has reached age sixty-two;

(3) the offering of credit life insurance or credit disability insurance, in conjunction with any mortgage loan, to a limited age group;

(4) the failure or refusal to grant any mortgage loan to a person who has not attained the age of majority;

(5) the failure or refusal to grant any mortgage loan the duration of which

exceeds the life expectancy of the applicant as determined by the most recent Individual Annuity Mortality Table.

Nothing in this subsection prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those hereinabove proscribed.

3C. For any person to deny another person access to, or membership or participation in, a multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, sexual orientation which shall not include persons whose sexual orientation involves minor children as the sex object, children, national origin, ancestry, age, or handicap.

SECTION 14. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by inserting after subsection 4 the following subsection:-

4A. For any person to coerce, intimidate, threaten, or interfere with another person in the exercise or enjoyment of any right granted or protected by this chapter, or to coerce, intimidate, threaten or interfere with such other person for having aided or encouraged any other person in the exercise or enjoyment of any such right granted or protected by this chapter.

SECTION 15. Subsection 6 of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "impaired", in lines 123, 126 and 136, in each instance, the words:- or has any other handicap.

SECTION 16. Said subsection 6 of said section 4 of said chapter 151B, as so appearing, is hereby further amended by adding the following paragraph:-

For purposes of this subsection, discrimination on the basis of handicap includes, but is not limited to, in connection with the design and construction of: (1) all units of a dwelling which has three or more units and an elevator which are constructed for first occupancy after March thirteenth, nineteen hundred and ninety-one; and (2) all ground floor units of other dwellings consisting of three or more units which are constructed for first occupancy after March thirteenth, nineteen hundred and ninety-one, a failure to design and construct such dwellings in such a manner that (i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons; (ii) all the doors are designed to allow passage into and within all premises within such dwellings and are sufficiently wide to allow passage by handicapped persons in wheelchairs; and (iii) all premises within such dwellings contain the following features of adaptive design: (a) an accessible route into and through the dwelling; (b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (c) reinforcements in bathroom walls to allow later installation of grab bars; and (d) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

SECTION 17. Subsection 7 of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "impairment" in lines 161, 166 and 172, in each instance, the words:- or other handicap.

SECTION 18. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by inserting after subsection 7 the following two subsections:-

7A. For purposes of subsections 6 and 7 discrimination on the basis of handicap shall include but not be limited to:

(1) a refusal to permit or to make, at the expense of the handicapped person, reasonable modification of existing premises occupied or to be occupied by such person if such modification is necessary to afford such person full enjoyment of such premises; provided, however, that, in the case of publicly assisted housing, multiple dwelling housing consisting of ten or more units, or contiguously located housing consisting of ten or more units, reasonable modification shall be at the expense of the owner or other person having the right of ownership; provided, further, that, in the case of public ownership of such housing units the cost of such reasonable modification shall be subject to appropriation; and provided, further, that, in the case of a rental, the landlord may, where the modification to be paid for by the handicapped person will materially alter the marketability of the housing, condition permission for a modification on the tenant agreeing to restore or pay for the cost of restoring, the interior of the premises to the condition that existed prior to such modification, reasonable wear and tear excepted;

(2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and

(3) discrimination against or a refusal to rent to a person because of such person's need for reasonable modification or accommodation.

Reasonable modification shall include, but not be limited to, making the housing accessible to mobility-impaired, hearing-impaired and sight-impaired persons including installing raised numbers which may be read by a sight-impaired person, installing a door bell which flashes a light for a hearing-impaired person, lowering a cabinet, ramping a front entrance of five or fewer vertical steps, widening a doorway, and installing a grab bar; provided, however, that for purposes of this subsection, the owner or other person having the right of ownership shall not be required to pay for ramping a front entrance of more than five steps or for installing a wheelchair lift.

Notwithstanding any other provisions of this subsection, an accommodation or modification which is paid for by the owner or other person having the right of ownership is not considered to be reasonable if it would impose an undue hardship upon the owner or other person having the right of ownership and shall therefore not be required. Factors to be considered shall include, but not be limited to, the nature and cost of the accommodation or modification needed, the extent to which the accommodation or modification would materially alter the marketability of the

housing, the overall size of the housing business of the owner or other person having the right of ownership, including but not limited to, the number and type of housing units, size of budget and available assets, and the ability of the owner or other person having the right of ownership to recover the cost of the accommodation or modification through a federal tax deduction. Ten percent shall be the maximum number of units for which an owner or other person having the right of ownership shall be required to pay for a modification in order to make units fully accessible to persons using a wheelchair pursuant to the requirements of this subsection.

In the event a wheelchair accessible unit becomes or will become vacant, the owner or other person having the right of ownership shall give timely notice to a person who has, within the previous twelve months, notified the owner or person having the right of ownership that such person is in need of a unit which is wheelchair accessible, and the owner or other person having the right of ownership shall give at least fifteen days notice of the vacancy to the Massachusetts rehabilitation commission, which shall maintain a central registry of accessible apartment housing under the provisions of section seventy-nine of chapter six. During such fifteen day notice period, the owner or other person having the right of ownership may lease or agree to lease the unit only if it is to be occupied by a person who is in need of wheelchair accessibility.

Notwithstanding any general or special law, by-law or ordinance to the contrary, there shall not be established or imposed a rent or other charge for such handicap-accessible housing which is higher than the rent or other charge for comparable nonaccessible housing of the owner or other person having the right of ownership.

7B. For any person to make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of multiple dwelling, contiguously located, publicly assisted or other covered housing accommodations that indicates any preference, limitation, or discrimination based on race, color, religion, sex, sexual orientation which shall not include persons whose sexual orientation involves minor children as the sex object, national origin, ancestry, children, marital status, public assistance recipiency, or handicap or an intention to make any such preference, limitation, or discrimination except where otherwise legally permitted.

SECTION 19. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 8, as amended by section 11 of chapter 516 of the acts of 1989, and inserting in place thereof the following subsection:-

8. For the owner, lessee, sublessee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent or lease, commercial space: (1) To refuse to sell, rent, lease or otherwise deny to or withhold from any person or group of persons such commercial space because of race, color,

religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, handicap or marital status of such person or persons. (2) To discriminate against any person because of his race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, handicap or marital status in the terms, conditions or privileges of the sale, rental or lease of any such commercial space or in the furnishing of facilities or services in connection therewith. (3) To cause to be made any written or oral inquiry or record concerning the race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, handicap or marital status of a person seeking to rent or lease or buy any such commercial space. The word "age" as used in this subsection shall not apply to persons who are minors, nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in self-contained retirement communities constructed expressly for use by the elderly and which are at least twenty acres in size and have a minimum age requirement for residency of at least fifty-five years.

SECTION 19A. Said section 4 of said chapter 151B, as so appearing, is hereby amended by striking out subsection 10 and inserting in place thereof the following subsection:-

10. For any person furnishing credit, services or rental accommodations to discriminate against any individual who is a recipient of federal, state, or local public assistance, including medical assistance, or who is a tenant receiving federal, state, or local housing subsidies, including rental assistance or rental supplements, because the individual is such a recipient, or because of any requirement of such public assistance, rental assistance, or housing subsidy program.

SECTION 20. Subsection 11 of said section 4 of said chapter 151B, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "person", in line 268, the words:- or to discriminate against any person in the terms, conditions, or privileges of such accommodations or the acquisition thereof, or in the furnishing of facilities and services in connection therewith, because such person has a child or children who occupy or shall occupy the premises with such person; provided, however, that nothing herein shall limit the applicability of any local, state, or federal restrictions regarding the maximum number of persons permitted to occupy a dwelling.

SECTION 21. Said subsection 11 of said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out clause (4).

SECTION 22. Subsection 13 of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "religion", in lines 320 and 329, in each instance, the word:- , sex.

SECTION 23. Said subsection 13 of said section 4 of said chapter 151B, as so

appearing, is hereby further amended by inserting after the word "level", in lines 321 and 330, in each instance, the words:- or a handicapped person, or a person having a child.

SECTION 24. The second paragraph of section 5 of said chapter 151B, as so appearing, is hereby amended by inserting after the second sentence the following eight sentences:-

If such commissioner shall determine after such investigation or preliminary hearing that probable cause exists for crediting the allegations of a complaint relative to a housing practice, the commissioner shall immediately serve notice upon the complainant and respondent of their right to elect judicial determination of the complaint as an alternative to determination in a hearing before the commission. If a complainant or respondent so notified wishes to elect such judicial determination, he shall do so in writing within twenty days of receipt of the said notice. The person making such election shall give notice of such election to the commission and to all other complainants and respondents to whom the probable cause finding relates. The commission, upon receipt of such notice, shall dismiss the complaint pending before it without prejudice and the complainant shall be barred from subsequently bringing a complaint on the same matter before the commission. If any complainant or respondent elects judicial determination as aforesaid, the commission shall authorize, and not later than thirty days after the election is made the attorney general shall commence and maintain, a civil action on behalf of the complainant in the superior court for the county in which the unlawful practice occurred. Any complainant may intervene as of right in said civil action. If the court in such civil action finds that a discriminatory housing practice has occurred or is about to occur, the court may grant any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section nine. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under said section nine shall also accrue to that aggrieved person in a civil action under this section.

SECTION 25. Said second paragraph of said section 5 of said chapter 151B, as so appearing, is hereby further amended by striking out, in line 37, the words "the complaint" and inserting in place thereof the words:- any complaint and no complainant or respondent has elected judicial determination of the matter.

SECTION 26. Said second paragraph of said section 5 of said chapter 151B, as so appearing, is hereby further amended by striking out, in line 55, the word "After" and inserting in place thereof the words:- Before or after.

SECTION 27. Said second paragraph of said section 5 of said chapter 151B, as so appearing, is hereby further amended by inserting after the twenty-third sentence the following sentence:- In addition to any such relief, the commission shall award reasonable attorney's fees and costs to any prevailing complainant.

SECTION 28. The third paragraph of said section 5 of said chapter 151B, as so appearing, is hereby amended by striking out, in lines 160 and 161, the words

", not to exceed two thousand dollars,",- and by striking out, in lines 165 and 166, the words "; provided, however, that such damages shall not include attorneys' fees".

SECTION 29. Said section 5 of said chapter 151B, as so appearing, is hereby further amended by adding the following paragraphs:-

If upon all the evidence at any such hearing the commission shall find that a respondent has engaged in any such unlawful practice relative to a housing practice it may, in addition to any other action which it may take under this section, assess a civil penalty against the respondent:

(a) in an amount not to exceed ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

(b) in an amount not to exceed twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice during the five year period ending on the date of the filing of the complaint; and

(c) in an amount not to exceed fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven year period ending on the date of the filing of the complaint. Notwithstanding the aforesaid provisions, if the acts constituting the discriminatory housing practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in clauses (b) and (c) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

SECTION 30. Section 8 of said chapter 151B, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "or who shall willfully file a false complaint".

SECTION 31. The third paragraph of section 9 of said chapter 151B, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- If the court finds for the petitioner, it may award the petitioner actual and punitive damages.

SECTION 32. Section 2 of chapter 708 of the acts of 1966 is hereby amended by adding the following paragraph:-

It is hereby further found that there is insufficient housing which is accessible to and usable by handicapped persons. The shortage of housing results in handicapped persons having to modify and adapt housing so as to make it accessible and usable to them. Persons of low and moderate income frequently do not have the resources to finance these necessary modifications and adaptations of housing. To aid in remedying those conditions, to promote the expansion of the supply of funds at low interest rates available for residential loans for low income persons and families and moderate income persons and families and thereby help alleviate the shortage of accessible housing, the Massachusetts Housing Finance Agency shall have the power *(i)* to raise funds from private

investors in order to make such funds available, through lending institutions for residential loans to low income persons and families and moderate income persons and families, *(ii)* to insure such residential loans, and *(iii)* to provide technical assistance to low income persons and families desiring such residential loans. By utilizing such powers the Massachusetts Housing Finance Agency shall develop the financial resources available to meet the need for housing which is accessible to and usable by handicapped persons.

SECTION 33. Section 4 of said chapter 708, as most recently amended by section 18 of chapter 574 of the acts of 1983, is hereby further amended by adding the following paragraph:-

(x) Establish a program to finance or assist the financing of the modifications or adaptation of existing housing in order to make such housing accessible to and usable by handicapped persons and in conjunction therewith and to further the purpose of this program *(i)* to make low interest loans, including but not limited to home improvement loans, to low income persons or families and to moderate income persons or families, *(ii)* to purchase, participate in the purchase of, or contract to purchase loans, *(iii)* to enter into advance commitments for the purchase of or participation in the purchase of loans, and *(iv)* to make loans to lenders who have entered into commitments to make loans and to fund and operate an interest subsidy program.

SECTION 34. The provision of section 5 shall be applicable to buildings for which construction is initiated on or after January first, nineteen hundred and ninety-one.

Approved January 13, 1990.

Chapter 723. AN ACT RELATIVE TO THE PREVENTION OF FRAUD IN THE ISSUANCE OF LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

Section 123 of chapter 175 of the General Laws is hereby amended by inserting after the first paragraph the following paragraph:-

No life insurance company shall accept or take action on any written request to change the designation of beneficiary under any policy of life or endowment insurance unless the signature of the person requesting the change is witnessed by a disinterested person. For purposes of this section, a disinterested person is one who is over eighteen years of age and not designated as a beneficiary in the requested change. Upon receipt and acceptance of the change of designation of beneficiary, the insurance company shall provide written notice of the change to the insured at the owner's last known address.

Approved January 13, 1990.

Chapter 724. **AN ACT DESIGNATING THE CONGREGATE HOUSING RESIDENCE FOR THE ELDERLY IN THE CITY OF SALEM AS THE REPRESENTATIVE J. MICHAEL RUANE RESIDENCE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the congregate housing residence for the elderly at 3 Broad Street in the city of Salem shall be designated and known as the Representative J. Michael Ruane Residence.

The housing authority in said city is hereby authorized and directed to place thereon in a conspicuous place a tablet or other appropriate sign bearing said designation.

Approved January 13, 1990.

Chapter 725. **AN ACT RELATIVE TO THE LICENSING OF FIRE WARNING AND SECURITY SYSTEMS CONTRACTORS AND TECHNICIANS.**

Be it enacted, etc., as follows:

Chapter 764 of the acts of 1987 is hereby amended by striking out sections 12 and 13 and inserting in place thereof the following two sections:-

Section 12. Any person, firm or corporation providing evidence satisfactory to the state examiners of electricians, on or before January first nineteen hundred and ninety-one, that such person, firm or corporation has at least thirty-six months experience working as, or for, a systems contractor shall be exempt from the examination requirements of paragraph (3) of section three of chapter one hundred and forty-one of the General Laws.

Section 13. Any person providing evidence satisfactory to the state examiners of electricians, on or before January first nineteen hundred and ninety-one, that such person has at least twelve months experience working as a systems technician shall be exempt from the examination requirements of paragraph (4) of section three of chapter one hundred and forty-one of the General Laws.

Approved January 13, 1990.

Chapter 726. AN ACT FURTHER REGULATING THE REPAIRING OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws as appearing in the 1988 Official Edition is amended by inserting after section 34Q the following section:

Section 34R. (a) Whenever repairs are necessary to the visible exterior sheet metal or plastic parts of a damaged motor vehicle, any insurer or repairer preparing a written estimate of the cost of such repairs shall clearly identify in such estimate each major replacement crash part to be used which is not manufactured or supplied by the original manufacturer of the motor vehicle. For the purposes of this section, "crash parts" shall mean motor vehicle parts of sheet metal or plastic that constitute the visible exterior of the vehicle, including inner and outer panels, which are to be repaired or replaced as the result of a collision.

(b) Attached to any such estimate which identifies non-original manufacturer parts shall be the following notice, printed in no less than ten-point type:

NOTICE

The repair estimate is based in part on the use of replacement parts which are not made by the original manufacturer of the damaged parts in your vehicle. Warranties, if any, applicable to these replacement parts are provided by their manufacturer or supplier rather than the manufacturer of your vehicle.

(c) The insurer or repairer, as the case may be, shall give a copy of such estimate and such notice to the person for whom the estimate is prepared.

(d) The repairer shall, on the customer's repair order or repair certification form, identify by name the manufacturer or supplier of any non-original manufacturer crash parts used in making the actual repairs.

(e) Failure to comply with the provisions of this section shall constitute an unfair or deceptive act or practice pursuant to the provisions of chapter ninety-three A.

Approved January 13, 1990.

Chapter 727. AN ACT RELATIVE TO MINIMUM RESERVES OF COOPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 22 of chapter 170 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "so-called", in line 24, the words:- or in any other open-end or closed-end management type investment company or investment trust registered pursuant to the provisions of 15 USC, section 80a-1 et seq.

Approved January 13, 1990.

Chapter 728. AN ACT RELATIVE TO ESTABLISHING THE MASSACHUSETTS OCEAN SANCTUARIES ACT.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found that the coastal and marine waters of the commonwealth are resources of significant economic, social, commercial, recreational, environmental and aesthetic value which are increasingly threatened by pollution. It is further found that the ground water of the commonwealth is a resource which is essential to the health, safety and welfare of the citizens of the commonwealth which should be protected against pollution and depletion. It is further found that application of wastewater can be accomplished in some circumstances in a manner which protects the commonwealth's ground water resources and may eliminate in these circumstances the need for the discharge of wastewater into coastal waters. Therefore, it is the policy of the commonwealth to protect coastal and marine waters by encouraging land application of wastewater and by allowing the discharge of municipal wastewater into certain coastal waters only when an existing discharge has degraded or threatens to degrade a designated ocean sanctuary and when land application is not feasible because of technical, economic, environmental and public health considerations.

SECTION 2. Chapter 132A of the General Laws is hereby amended by inserting after section 12, as appearing in the 1988 Official Edition, the following three sections:-

Section 12A. Sections twelve B to sixteen E, inclusive, and section eighteen shall be known and may be cited as the Massachusetts Ocean Sanctuaries Act.

Section 12B. As used in sections twelve A to eighteen, inclusive, the following words shall have the following meanings:

"Act", the Massachusetts Ocean Sanctuaries Act.

"Adjudicatory hearing", a hearing conducted pursuant to sections nine, ten, ten A, eleven and twelve of chapter thirty A.

"Applicant", any city, town, district, county or authority which has the legal ability to implement alternative forms of wastewater disposal, including land application, and which applies for a variance pursuant to the Act.

"Coastal embayment", coastal or marine waters that have a restricted opening to the ocean due at least in part to the formation of a barrier beach.

"Commissioner", the commissioner of the department of environmental management.

"Department", the department of environmental management.

"Environmental impact report", an environmental impact report prepared pursuant to the Massachusetts Environmental Policy Act, sections sixty-one to sixty-two H, inclusive, of chapter thirty.

"Estuary", a semi-enclosed body of water which has a free connection with the open sea, within which sea water is measurably diluted with fresh water derived from outflowing fresh water rivers.

"Existing discharge", a municipal, commercial or industrial discharge at the volume and locations authorized by the appropriate federal and state agencies on July fifteenth, nineteen hundred and seventy, in the case of the Cape Cod Ocean Sanctuary; on December eighth, nineteen hundred and seventy-one, in the case of the Cape Cod Bay and Cape and Islands Ocean Sanctuary; on June twenty-seventh, nineteen hundred and seventy-two in the case of the North Shore Ocean Sanctuary; and on December thirtieth, nineteen hundred and seventy-six, in the case of the South Essex Ocean Sanctuary.

"Facilities plan", a plan which satisfies the planning requirements applicable to applicants for federal grants for the construction of publicly owned wastewater treatment works, as determined by the division of water pollution control.

"Person", any agency or political subdivision of the federal government or the commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, and any officer, employee or agent of said person, and any group of said persons.

"Proposed discharge", an increase in volume or change in location of an existing discharge from a publicly owned treatment plant or combined sewer system.

"Publicly owned treatment plant", a sewage or septage treatment plant owned by a public entity.

Section 12C. The department shall promulgate such regulations as it deems necessary for the implementation, administration and enforcement of the act. The department shall integrate its implementation, administration and enforcement of the act with other programs for the protection of the public health, safety, welfare and the environment.

SECTION 3. Section 13 of said chapter 132A, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the foregoing, the landward boundary of each ocean sanctuary shall be seaward of the mean low-water line in all rivers, bays, harbors, and coves at the point where the distance between the mean low water lines on either side is two hundred yards or less. The department shall have the regulatory

authority to change from time to time the landward boundary of an ocean sanctuary to extend inward in rivers, bays, harbors, or coves to include environmentally sensitive areas. Such changes shall be reflected on the official ocean sanctuaries map.

SECTION 4. Said chapter 132A is hereby further amended by striking out sections 14 to 16, inclusive, as so appearing, and inserting in place thereof the following nine sections:-

Section 14. All ocean sanctuaries as described in section thirteen shall be under the care, oversight and control of the department and shall be protected from any exploitation, development, or activity that would significantly alter or otherwise endanger the ecology or the appearance of the ocean, the seabed, or subsoil thereof, or the Cape Cod National Seashore.

Section 15. Except as otherwise provided herein, the following activities shall be prohibited in an ocean sanctuary: the building of any structure on the seabed or under the subsoil; the construction or operation of offshore or floating electric generating stations, the drilling or removal of any sand, gravel or other minerals, gases or oils; the dumping or discharge of commercial, municipal, domestic or industrial wastes; commercial advertising; the incineration of solid waste or refuse on, or in, vessels moored or afloat within the boundaries of an ocean sanctuary.

Section 16. Nothing in this act is intended to prohibit the following activities, uses or facilities: In all ocean sanctuaries except the Cape Cod Ocean Sanctuary the planning, construction, reconstruction, operation and maintenance of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities associated with the generation, transmission, and distribution of electrical power, provided that all certificates, licenses, permits and approvals required by law are obtained therefor, and provided, further, that such activities, uses and facilities shall not be undertaken or located except in compliance with any applicable general or special statutes, rules, regulations or orders lawfully promulgated; the operation and maintenance of existing municipal, commercial or industrial facilities and discharges where such discharges or facilities have been approved and licensed by appropriate federal and state agencies; the laying of cables approved by the department of public utilities; channel and shore protection projects, navigation aids, projects authorized under chapter ninety-one, deemed to be of public necessity and convenience, contingent upon obtaining the required approval wherever applicable by the United States Army Corps of Engineers, the division of water pollution control, the department of environmental quality engineering, or the department; other improvements not specifically prohibited by said sections twelve B to sixteen F, inclusive, and said section eighteen which are approved by appropriate federal and state agencies and which are consistent with said sections twelve B to sixteen F, inclusive, and said section eighteen, including the maintenance and repair of existing structures or uses, but not any change or extension of such structures or uses unless otherwise permitted by said sections

twelve B to sixteen F, inclusive, and said section eighteen; the harvesting and propagation of fish and shellfish in all forms, so long as the department and the department of fisheries, wildlife and environmental law enforcement are satisfied that such activities are carried on in accordance with sound conservation practices; temporary educational and scientific activities jointly permitted by appropriate state agencies; and the extraction of sand and gravel from the seabed and subsoil of a sanctuary for the purposes of shore protection or beach restoration, provided, however, that such shore protection or beach restoration is approved by the department of environmental quality engineering.

Except in the Cape and Islands Ocean Sanctuary, the Cape Cod Ocean Sanctuary, and the Cape Cod Bay Ocean Sanctuary, nothing in this act is intended to prohibit municipal wastewater treatment discharges and municipal wastewater treatment facilities if such discharge into the ocean sanctuary is the only feasible alternative to existing water pollution problems if it is consistent with the intention and purposes of this chapter, and it is approved and licensed by appropriate federal and state agencies. In the North Shore Ocean Sanctuary, discharges shall be permitted from municipal waste treatment facilities if construction is commenced prior to January first, nineteen hundred and seventy-eight or if a city or town has been awarded a federal or state grant for construction of a wastewater treatment facility prior to January first, nineteen hundred and seventy-eight, if the waste has been treated by the best practical means, if such a discharge is in accordance with plans developed under the provisions of clause (10) of section twenty-seven of chapter twenty-one, and such plans are subject to the approval of the division of water pollution control after a public hearing conducted by said division.

Section 16A. In cases where the prohibition in section fifteen against discharges of municipal wastes into the ocean sanctuaries may not further the purposes of the act, such discharges may be allowed; provided, however, that a suitable quality of effluent is achieved to protect the appearance, ecology, and marine resources of the sanctuary; and, provided further that the department, in its discretion, upon application, grants a variance from the prohibitions of said section fifteen for the proposed discharges, subject to the provisions of sections sixteen B to sixteen F, inclusive.

Section 16B. A variance under the provisions of section sixteen A may be granted only when the following prerequisites are met:-

(1) The proposed discharge is the only feasible alternative, based upon technical, economic, environmental and public health factors.

(2) The proposed discharge shall be consistent with the intent and purpose the Act. Any discharge must be able to meet the water quality standards and the standards of the Act to protect the appearance, ecology and marine resources of the waters of the sanctuary.

(3) The applicant shall have adopted and implemented a plan approved by the department of environmental quality engineering requiring the pretreatment of all

commercial and industrial wastes discharged to the municipal wastewater treatment system.

(4) The applicant shall have adopted and implemented a program for water conservation according to the guidelines established by the water resources commission.

(5) The applicant shall have adopted and implemented a plan, approved by the department of environmental quality engineering, to control inflow and infiltration.

(6) The applicant shall have adopted and implemented a plan, approved by the department of environmental quality engineering, to control any combined sewer overflows.

(7) The applicant shall have adopted and implemented a plan to review and control growth and connections to the municipal wastewater treatment system and treatment works so as to ensure that design and treatment capacity are not exceeded. The plan shall require notification to the department and the division of water pollution control whenever average flows within the system for any quarter equal or exceed eighty percent of the design capacity of the treatment plant. At that time, the applicant shall initiate the design and construction of additional treatment capacity, or other appropriate measures. The department and the division of water pollution control shall take appropriate action to ensure that the design capacity of the treatment plant is not exceeded.

(8) The proposed discharge will not significantly affect the quality or quantity of existing or proposed water supplies by reducing ground or surface water replenishment.

(9) The proposed discharge must be treated to a secondary level, and such other treatment to remove nutrients or other pollutants which is found to be necessary to avoid degradation of the ecology, appearance and marine resources of the designated sanctuary and to meet water quality standards.

(10) The proposed discharge is consistent with the policies of the Massachusetts coastal zone management program.

(11) The proposed discharge and treatment plant are consistent with all applicable federal, state, and local laws, ordinances, by-laws, rules and regulations protecting the environment, including but not limited to the requirements of chapters twenty-one, ninety-one, one hundred and thirty, and one hundred and thirty-one.

(12) The proposed discharge and outfall structure will not adversely impact marine fisheries or interfere with fishing grounds or the normal operation of fishing vessels.

Section 16C. No variance approved by the department may authorize a discharge into an estuary or coastal embayment or a discharge which will have a significant adverse effect upon an estuary, a coastal embayment, or land subject to tidal action. Any variance approved by the department shall require the applicant to eliminate all discharges into estuaries and coastal embayments from

publicly owned treatment works under control of the applicant. Nothing in this section shall be construed to prohibit discharges within estuaries or coastal embayments from facilities designed to abate existing discharges exclusively from combined sewer overflows, where such facilities have been approved by the division of water pollution control, and where such existing discharges from combined sewer overflows degrade or threaten to degrade the designated ocean sanctuary nor is anything in this Act intended to alter the effect of the previous exemptions found at chapter one hundred and twenty of the acts of nineteen hundred and eighty-one and chapter three hundred and sixty-nine of the acts of nineteen hundred and eighty-four.

The seaward boundary of the Plymouth - Kingston Duxbury coastal embayment shall be a line between Gurnet Point and Rocky Point, provided, however, that no discharge may be authorized in a depth of water which at mean low tide is less than thirty feet.

Section 16D. An application for a variance shall satisfy the following minimum requirements:

(1) The application shall include a final facilities plan approved by the division of water pollution control, and a final environmental impact report.

(2) The application shall include an evaluation of alternatives, including land disposal.

(3) The application shall demonstrate that land disposal is not a feasible alternative for all or a part of the discharge.

(4) The application shall demonstrate how the applicant satisfies all requirements of section sixteen B.

Section 16E. Upon receipt of an application for a variance, the department shall provide public notice, an opportunity for comment, and shall hold a public hearing on the application. Individual notice shall be provided to all municipalities bordering the affected sanctuary. Following the public hearing, the department shall prepare a proposed final decision and provide public notice thereof, including individual notice to any person commenting on the application and to all municipalities bordering the affected sanctuary. The proposed final decision shall take effect within thirty days of the public notice unless any person aggrieved by the decision requests an adjudicatory hearing prior to the expiration of the thirty days. In any adjudicatory hearing, the applicant shall have the burden of proving that the proposed discharge satisfies the requirements of section sixteen B. Following an adjudicatory hearing, the commissioner shall make the final decision and provide notice to all parties. The final decision shall take effect within thirty days, unless an appeal is taken pursuant to section fourteen of chapter thirty A prior to the expiration of the thirty days.

Section 16F. Any condition adopted by the department in approving a variance shall become a condition of the discharge permit issued by the division of water pollution control pursuant to chapter twenty-one. The department shall have

authority equivalent to that provided by sections forty-five to forty-six A, inclusive, of chapter twenty-one, and by section sixteen of chapter twenty-one A, to enforce any condition established by the department in approving a variance.

SECTION 5. Said chapter 132A is hereby further amended by striking out section 18 and inserting in place thereof the following section:-

Section 18. All departments, divisions, commissions, or units of the executive office of environmental affairs and other affected agencies or departments of the commonwealth shall issue permits or licenses for activities or conduct their activities consistently with the act, and shall not permit or conduct any activity which is contrary to the provisions of the Act. Except as provided by sections sixteen B through sixteen F, inclusive, the Act shall not require any additional permits from the department, but other departments, divisions, commissions, units, or other agencies shall confer and consult with the department to ensure compliance with the Act. The attorney general or the appropriate state agency shall take such action as may be necessary from time to time to enforce the provisions of the Act, and the superior court shall have jurisdiction to enforce the provisions thereof.

SECTION 6. Notwithstanding the provisions of this act, the town of Gosnold may build a primary wastewater treatment facility, and discharge from such a facility into the Cape and Islands Ocean Sanctuary, pursuant to any waiver of secondary treatment granted by the United States Environmental Protection Agency pursuant to section 301(h) of the Federal Water Pollution Control Act. This section shall not be construed to exempt such a facility or discharge from any other applicable provision of law, including but not limited to, chapter twenty-one of the General Laws.

SECTION 7. Within nine months of the effective date of this act the department shall produce an updated series of maps of sufficient scale to clearly show the boundaries of the various ocean sanctuaries.

SECTION 8. Notwithstanding any general or special law to the contrary, there is hereby established a Generic Environmental Impact Review Fund to be administered by the executive office of environmental affairs for the purpose of preparing a generic environmental impact report which would evaluate both the short and long-term cumulative impact of existing and future sewage and wastewater discharges into Massachusetts Bay. There shall be deposited in the fund: voluntary contributions of money and other liquid assets; such amounts as may be appropriated therefor by the general court; any income derived from deposits to the fund.

The fund shall be dedicated to use in the preparation of generic environmental impact report and may be used administratively by the department of environmental management towards completion of said report. On or before June thirtieth, nineteen hundred and ninety-one, the department shall file said report with the secretary of the executive office of environmental affairs. Should

insufficient funding be available for completion of said report by said date, the report may be filed with the secretary of environmental affairs on or before June thirtieth, nineteen hundred and ninety-two.

Approved January 13, 1990.

Chapter 729. AN ACT FURTHER REGULATING THE FEES OF COLLECTORS OF TAXES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 60 of the General Laws is hereby amended by inserting after section 2A, as appearing in the 1988 Official Edition, the following section:-

Section 2B. For the purposes of collecting municipal taxes, the collector 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 with respect to unpaid municipal taxes, other than taxes for real property, for which a demand has already been made. In the event the local tax collector chooses to utilize the services of a collection agency or company, no such agreement shall be entered into unless proposals for the same have been invited by public notice published in at least one newspaper of local circulation once a week for at least two consecutive weeks, the last such 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 collector may reject any or all such proposals and may not accept an offer other than the lowest responsible bid unless the collector specifies the reasons therefor in writing. Any such agreement may provide, in the discretion of the collector, the manner in which the compensation for such services will be paid, which compensation cannot exceed the fees which would otherwise be due the collector under section fifteen, or one-third of the taxes collected on each tax due, exclusive of interest and charges, whichever is the greater. Such compensation which is greater than the amount of fees which are otherwise due the collector shall be added to the amount due and collected as a part thereof by the collection agency.

All amounts collected during the previous week by the collection agency shall be turned over to the collector together with an itemized statement of the taxes, interest and charges collected and so turned over.

Notwithstanding clause (13) of section twenty-one of chapter forty, or any ordinance or by-law to the contrary, the collector may authorize the treasurer to pay the compensation of the collection agent pursuant to the agreement with the collector, without further appropriation of the town; provided, however, that no such payment shall be made for any particular tax collection until the checks, if any, in payment therefor, have been honored.

The collector shall, on or before August first of each year, submit to the commissioner a report which lists all private persons, companies, associations or corporations with whom the collector has had agreements during the preceding fiscal year and an accounting of the amount of taxes collected by and the compensation paid to each such person, company, association or corporation. The commissioner may make, and from time to time revise, such rules, regulations and guidelines necessary to carry out the provisions of this section. The collection agency as a legal entity shall be bonded for the faithful performance of duty in the manner required of deputy collectors under section ninety-two, and such bond shall be deemed to include all agents or employees of said collection agency. This section shall be in addition to and separate from the process of appointing deputy collectors under section ninety-two, except that the collection agency shall be subject to the same limitations as collectors and deputy collectors and the same remedies for collection.

SECTION 2. Section 15 of chapter 60 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clauses 9, 10 and 11 and inserting in place thereof the following three clauses:-

9. For the issuance and delivery of a warrant to an officer, five dollars;

10. For notice by mail or other means to the delinquent that warrant to collect has been issued, nine dollars;

11. For exhibiting a warrant to collect or delivering a copy thereof to the delinquent or his representative or leaving it at his last and usual place of abode or of business, and without distraint or arrest, fourteen dollars.

SECTION 3. Said chapter 60 is hereby further amended by striking out section 92, as so appearing, and inserting in place thereof the following section:-

Section 92. Any officer authorized to collect taxes may appoint and remove such deputies as such officer deems expedient. Each deputy so appointed shall keep a cash book, in which such deputy shall enter all sums so collected, specifying the total amount of each tax collected, all interest, charges and fees received, the name and address of each party from whom money was received and the date of each such receipt. They shall prepare a report to the collector of all uncollected warrants issued to the deputy at least once a month. Such deputies shall give bond for the faithful performance of their duties, in such sum and in such form, and subject to such conditions, as the commissioner may prescribe, and shall have all the powers of collectors. Any such deputy shall, at least weekly, either turn over sums collected to the collector, or deposit said funds into an account which is separate from any other account of that community, or any other community, for the purpose of clearing checks and earning interest on deposits. The deputy shall have no authority to withdraw amounts from this deputy deposit account except the deputy's fees due under section fifteen. The collector shall transfer funds which have cleared from such account to the town treasury at least once a week along with any interest earned and may retain any fees of the collector and deputy and

pay over such fees to the collector or deputy, unless such fees belong to the municipality.

Emergency Letter: January 23, 1990 @ 10:51 A.M. Approved January 13, 1990.

Chapter 730. AN ACT REORGANIZING THE EXECUTIVE OFFICE OF ENERGY RESOURCES

SECTION 1. Section 2 of chapter 6A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 4, the words "energy resources,".

SECTION 2. Section 9 of said chapter 6A, as so appearing, is hereby amended by inserting after the word "Fund", in line 7, the words:- ; the division of energy resources and all other state agencies within said division.

SECTION 3. Section 43F of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 14, the word "Secretary" and inserting in place thereof the word:- commissioner.

SECTION 4. Chapter 25A of the General Laws, as so appearing, is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. There shall be within the executive office of consumer affairs and business regulation a division called the Massachusetts division of energy resources, under the supervision of a commissioner of energy resources, hereinafter the commissioner. The duties given to the commissioner in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of consumer affairs and business regulation.

The commissioner shall be appointed by the secretary of consumer affairs and business regulation, with the approval of the governor, and may, with like approval, be removed. Said commissioner shall serve a term coterminous with that of the governor. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty of the general laws and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The commissioner shall devote full time during business hours to the duties of the office.

SECTION 5. Said chapter 25A is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. The commissioner shall be the executive and administrative head of the division of energy resources and shall be responsible for administering and enforcing the provisions of law relative to the division and to each administrative unit thereof.

The commissioner may from time to time, subject to appropriation, establish

within the division such administrative units as may be necessary for the efficient and economical administration of the division, and when necessary for such purpose, may abolish any such administrative unit, or may merge any two or more of them, as the commissioner deems advisable. The commissioner shall prepare and keep current a statement of the organization of the division, of the assignment of its functions to its various administrative units, offices and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the division's description of organization. A current copy of the description of organization shall be kept on file in the office of the secretary of state and in the office of the secretary of administration.

There shall be within the division of energy resources, the energy facilities siting council. Nothing in this chapter shall be construed as conferring any powers or transferring and imposing any duties upon the commissioner with respect to said council, except that the commissioner shall review and act upon budgetary and other financial matters concerning said council in accordance with Sections two C, three, three A, four, nine B, and twenty-nine of chapter twenty-nine and as otherwise provided by law.

SECTION 6. Section 3 of said chapter 25A, as so appearing, is hereby amended by inserting after the definition of "Alternative energy property" the following definition:-

"Commissioner", the commissioner of the division of energy resources.

SECTION 7. Said section 3 of said chapter 25A, as so appearing, is herebyfurther amended by striking out the definition of "Secretary" and inserting in place thereof the following definition:-

"Secretary", the secretary of consumer affairs and business regulation.

SECTION 8. Section 4 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 1 and 8, the word"secretary", and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 9. Section 5 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 1 and 16, the word"secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 10. Said section 5 of said chapter 25A, as so appearing, is hereby further amended by striking out, in lines 4, 8, 10 and in lines 18 and 19, the words "executive office" and inserting in place thereof, in each instance, the word:- division.

SECTION 11. Section 6 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 1, the words "executive office" and inserting in place thereof the word:- division.

SECTION 12. Said section 6 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 22, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 13. Section 7 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 1, in lines 6 and 7, in lines 19 and 20, and in line 21, the word "department" and inserting in place thereof, in each instance, the word:- division.

SECTION 14. Section 8 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 12, the word "department" and inserting in place thereof the word:- division.

SECTION 15. Section 9 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 2, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 16. Said section 9 of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 10, the words "executive office" and inserting in place thereof the word:- division.

SECTION 17. Section 10 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 11 and 12, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 18. Section 11 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 1, 11, 25, 28, 41, 48, 54, 61, 67, 73 and 75, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 19. Section 11A of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 1, 7, 8, 10, and 15, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 20. Section 12 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 5 and 8, both times it appears in line 18, and in line 22, the word "secretary", and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 21. Section 2 of chapter 25B of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Fluorescent lamp ballast" or "ballast" the following definition:-

"Commissioner", the commissioner of the division of energy resources.

SECTION 22. Said section 2 of said chapter 25B, as so appearing, is hereby further amended by striking out the definition of "Secretary".

SECTION 23. Section 4 of said chapter 25B, as so appearing, is hereby amended by striking out, both times it appears in line 16, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 24. Section 5 of said chapter 25B, as so appearing, is hereby amended by striking out, in lines 1 and 5, in lines 6 and 7, and in lines 9 and 14, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 25. Section 6 of said chapter 25B, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "secretary" and inserting in place

thereof, in each instance, the word:- commissioner.

SECTION 26. Section 7 of said chapter 25B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 27. Section 8 of said chapter 25B, as so appearing, is hereby amended by striking out, in lines 1 and 3, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 28. Section 9 of said chapter 25B, as so appearing, is hereby amended by striking out, in lines 1, 3, 5, 10, and 11, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 29. Section 10 of said chapter 25B, as so appearing, is hereby amended by striking out, in lines 1 and 2, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 30. The second paragraph of subsection (b) of section 12 of chapter 40J of the General Laws, as so appearing, is hereby amended by striking out the third sentence.

SECTION 31. Subsection (e) of said section 12 of said chapter 40J, as so appearing, is hereby further amended by striking out, in lines 282, 283, and 284, the words "The secretary of the executive office of energy resources is hereby authorized to administer all programs and activities related to a photovoltaic center of excellence".

SECTION 32. Subparagraph (G) of paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in lines 57, 62, 65, and 71, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 33. Subdivision (a) of paragraph 5 of section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in lines 38, 43, and 50, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 34. Section 44M of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in line 28, lines 37 and 38, and in lines 42 and 45, the words "energy resources" and inserting in each instance the following:- consumer affairs and business regulation.

SECTION 35. The third paragraph of said section 44M of said chapter 149, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No construction project shall be advertised for bids by any such awarding authority, nor shall any contract for construction be awarded by such authority, nor shall any building permit be issued until said summaries of cost estimates have been filed with the building code commission and with the secretary of consumer affairs and business regulation and approved by the secretary of consumer affairs and business regulation.

SECTION 36. The second paragraph of section 69H of Chapter 164 of the

General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "secretary of energy resources who shall be the chairman of the council" and inserting in place thereof the words:- commissioner of energy resources who shall chair the council.

SECTION 37. Said second paragraph of said section 69H of said chapter 164, as so appearing, is hereby further amended by striking out, in line 26, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 38. Said second paragraph of said section 69H of said chapter 164, as so appearing, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- In the event of the absence or disqualification of the commissioner of energy resources, the secretary of consumer affairs and business regulation shall appoint an acting chair.

SECTION 39. Section 25 of chapter 796 of the acts of 1979 is hereby amended by striking out, in lines 3, 10, and 23, the words "executive office" and inserting in place thereof, in each instance, the word:- division.

SECTION 40. Section 28 of said chapter 796 is hereby amended by striking out, in lines 2, 8 and 12, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 41. The first paragraph of section 29 of said chapter 796 is hereby amended by striking out, in line 4, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 42. The first paragraph of section 32 of said chapter 796 is hereby amended by striking out, in line 3, the words "executive office" and inserting in place thereof the word:- division.

SECTION 43. Section 33 of said chapter 796 is hereby amended by striking out, in lines 1 and 6, the word "department" and inserting in place thereof, in each instance, the word:- division.

SECTION 44. Section 1 of chapter 465 of the acts of 1980 is hereby amended by inserting after the definition of "Agency" the following definition:-

"Commissioner", the commissioner of the division of energy resources.

SECTION 45. The definition of "state plan" in said section 1 of said chapter 465 is hereby further amended by striking out, in line 1, the words "executive office" and inserting in place thereof the word:- division.

SECTION 46. Subsection (a) of section 3 of said chapter 465 is hereby amended by striking out, in line 1, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 47. Subsection (c) of said section 3 of said chapter 465 is hereby amended by striking out, in line 5, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 48. Subsection (d) of said section 3 of said chapter 465 is hereby amended by striking out, in lines 4, 7, 14 and 39, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 49. Section 4 of said chapter 465 is hereby amended by striking out, in line 2, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 50. Subsection (a) of section 6 of said chapter 465 is hereby amended by striking out, in lines 2, 5, 13, 16, 17 and 18, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 51. Subsection (b) of said section 6 of said chapter 465 is hereby amended by striking out, in lines 1, 5, 6 and 11, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 52. Subsection (c) of section 7 of said chapter 465 is hereby amended by striking out, in lines 10 and in lines 11 and 12, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 53. Subsection (e) of said section 7 of said chapter 465, as amended by section 89 of chapter 233 of the acts of 1983, is hereby amended by striking out, in lines 1, 4, 12 and 18, the words "executive office" and inserting in place thereof, in each instance, the word:- division.

SECTION 54. Said subsection (e) of said section 7 of said chapter 465 is hereby further amended by striking out, in line 2 of the second paragraph and in line 1 of the third paragraph, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 55. Subsection (g) of said section 7 of said chapter 465 is hereby amended by striking out, in line 4, the words "executive office" and inserting in place thereof the word:- division,and by striking out, in lines 11, 16 and 18, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 56. Subsection (a) of section 8 of said chapter 465 is hereby amended by striking out, in line 11, the word "secretary" and inserting in place thereof the word:- commissioner.

SECTION 57. Subsection (c) of said section 8 of said chapter 465 is hereby amended by striking out, in line 2, the words "executive office" and inserting in place thereof the word:- division,and by striking out, in lines 3 and 5, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 58. Subsection (d) of said section 8 of said chapter 465 is hereby amended by striking out, in line 4, the word "secretary" and inserting in place thereof the word:- commissioner,- and by striking out, in line 7, the words "executive office" and inserting in place thereof the word:- division.

SECTION 59. Subsection (e) of said section 8 of said chapter 465 is hereby amended by striking out, in line 1, the words "executive office" and inserting in place thereof the word:- division,and by striking out, in lines 8 and 12, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 60. Subsection (f) of said section 8 of said chapter 465 is hereby amended by striking out, in lines 1, 6, 8, 9 and 10, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 61. Section 9 of said chapter 465 is hereby amended by striking out, in line 1, the words "executive office" and inserting in place thereof the word:- division.

SECTION 62. Section 3 of chapter 700 of the acts of 1983 is hereby amended by striking out, in lines 5, 11 and 16, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 63. Section 12 of chapter 637 of the acts of 1985 is hereby amended by striking out, in line 1, the words "executive office" and inserting in place thereof the word:- division.

SECTION 64. Section 2 of chapter 489 of the acts of 1986 is hereby amended by striking out, in lines 1 and 2, the words "secretary of the executive office" and inserting in place thereof the words:- commissioner of the division.

SECTION 65. Section 3 of said chapter 489 is hereby amended by inserting after the definition of "Chest freezer" the following definition:-

"Commissioner", the commissioner of the division of energy resources.

SECTION 66. Said section 3 of said chapter 489 is hereby further amended by striking out the definition of "Secretary".

SECTION 67. The second paragraph of said section 3 of said chapter 489 is hereby amended by striking out, in lines 3 and 6, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 68. Section 1 of chapter 670 of the acts of 1987 is hereby amended by striking out, in lines 6, 11 and 14, the word "secretary" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 69. Section 41 of chapter 240 of the acts of 1989 is hereby amended by striking out, in the first paragraph, the words "executive office" and inserting in place thereof the word:- division.

SECTION 70. Said section 41 of said chapter 240 is hereby further amended by striking out, in third paragraph, the words "executive office" and inserting in place thereof the word:- division.

SECTION 71. The functions, rights, powers, duties, obligations and properties of the executive office of energy resources and the department of energy resources abolished by sections four and five of this act are hereby transferred to and shall be exercised, performed and held by the division of energy resources, the executive office of consumer affairs and business regulation established by section nine of chapter six A of the General Laws, the executive office of communities and development as established by section eight of chapter six A of the General Laws, and the executive office of economic affairs as established by section seventeen of chapter six A of the General Laws.

SECTION 72. All employees of any department, office, commission, commit-

tee, council, board, division, bureau, section, administrative unit or other agency transferred by this act to the executive office of consumer affairs and business regulations or the division of energy resources, or any such agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, who immediately prior to the effective date of this act, either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the executive office of consumer affairs and business regulation, or any such agency thereof, or to the division of energy resources, or any such agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, every such transfer to be without impairment of civil service status, seniority, retirement or other rights of the employee and without interruption of service within the meaning of chapter thirty-one or said section nine A and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of chapter thirty-one and the rules and regulations adopted thereunder.

All employees of any such department, office, commission, committee, council, board, division, bureau, section, administrative unit or other agency who, immediately prior to said effective date, neither hold permanent appointment in such positions nor have such tenure, are hereby transferred to the executive office of consumer affairs and business regulation or to any such agency thereof, or to the division of energy resources or to any such agency thereof, or to the executive office of communities and development, or to any such agency thereof, or to the executive office of economic affairs, or to any such agency thereof, every such transfer to be without impairment of seniority, retirement or other rights of such employees, and without interruption of service within the meaning of section nine A of chapter thirty and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited prior to said effective date.

SECTION 73. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by any department, office, commission, committee, council, board, division, bureau, section, officer, administrative unit or other agency transferred by this act to the executive office of consumer affairs and business regulation, the division of energy resources, or any such agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of

economic affairs, or any such agency thereof, which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by the executive office or the appropriate agency thereof, as the case may be.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any department, office, commission, committee, council, board, division, bureau, section, officer, administrative unit or other agency transferred by this act to the executive office of consumer affairs and business regulation, the division of energy resources or any such agency thereof, or to the executive offices of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, which are pending immediately prior to the effective date of this act, shall continue in force and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or cancelled in accordance with law, by the division or the appropriate agency within the executive office or the executive office, as the case may be.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and of the agencies to which the completion of enforcement thereof is so transferred, shall be determined by the secretary of the executive office of consumer affairs and business regulation.

SECTION 74. All books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act, are in custody of any department, office, commission, committee, council, board, division, bureau, section, administrative unit or other agency transferred by this act to the executive office of consumer affairs and business regulation, the division of energy resources or any such agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, are hereby transferred to the appropriate agency, that all such property held in trust shall continue to be held in trust by the appropriate agency, or if such agency shall continue to be held in trust by the appropriate agency, or if such agency shall decline such trust, by the trustee appointed by the secretary of consumer affairs and business regulation.

All questions regarding the identification of such property and of the agencies to which custody thereof is transferred shall be determined by the secretary of consumer affairs and business regulation.

SECTION 75. All duly existing contracts, leases and obligations of any department, office, commission, committee, council, board, division, bureau, officer, section, administrative unit or other agency transferred by this act to the executive office of consumer affairs and business regulation, the division of energy resources, or any such agency thereof, or to the executive office of communities

and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, which are in force immediately prior to the effective date of this act, shall thereafter be performed by the division, the appropriate agency within the executive office, or the executive office as the case may be. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 76. All monies heretofore appropriated for any department, office, commission, committee, council, board, division, bureau, section, administrative unit, officer or other agency transferred by this act to the executive office of consumer affairs and business regulation, the division of energy resources or any such agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, remaining unexpended on the effective date of this act, are hereby transferred to said division or executive office and shall be available for expenditure by said division or executive office or the appropriate agency thereof for the purposes for which such funds were originally appropriated.

All questions regarding the identification of such monies and of the agencies to which they are so transferred shall be determined by the secretary of administration and finance.

SECTION 77. Wherever the name of any department, office, committee, commission, council, board, division, bureau, section, administrative unit or agency transferred by this act or the name of any agency which is abolished by this act the functions of which are transferred to the executive office of consumer affairs and business regulation, the division of energy resources or any agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, appears in any general or special law, or in any order, rule, regulation or other document, such name shall mean and shall be construed as referring to the division, the executive office or the appropriate agency thereof, as the case may be.

SECTION 78. Wherever in any special or general law or in any rule or regulation there is provided a right of appeal to any department, office, commission, committee, council, board, division, bureau, section, administrative unit, or officer of other agency transferred by this act to the executive office of consumer affairs and business regulation or any such agency thereof, the division of energy resources or any agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, a right of appeal to the division, the appropriate agency within the executive office, or to the executive office as the case may be, shall exist and such appeal shall be made pursuant to the provisions of any applicable law, rule or regulation or amendments thereto or, in the absence of such applicable law, rule or regulation, pursuant to chapter thirty A of the General Laws.

SECTION 79. All powers, duties and other statutory provisions which, prior

to the effective date of this act, were assigned to, or exercised by, any department, office, commission, committee, council, board, division, bureau, section, administrative unit, officer or other agency transferred by this act to the executive office of consumer affairs and business regulation or any such agency thereof, or the division of energy resources or any agency thereof, or to the executive office of communities and development, or any such agency thereof, or to the executive office of economic affairs, or any such agency thereof, shall continue to be exercised and performed by, and to be assigned to the division, the appropriate agency or officer within the executive office or any such agency thereof except as such powers, duties or other statutory provisions are modified by this act.

SECTION 80. This act shall take effect upon expiration of sixty calendar days following its presentation to the general court pursuant to article LXXXVII of the Massachusetts constitution.

SECTION 81. If any provision of this act, or the application thereof to any person or circumstance, shall be declared invalid under the constitution of the commonwealth or of the United States, such invalidity shall not affect the validity of the remaining provisions of this act.

The foregoing was filed with the General Court and received by the Clerk of the House of Representatives on October 27, 1989. Not having been disapproved in either the House of Representatives or the Senate, under the Provisions of Article LXXXVII of the Amendments to the Constitution it has force of a law effective December 27, 1989.

Chapter 731. AN ACT REORGANIZING CERTAIN DIVISIONS, BUREAUS AND OFFICES OF THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

SECTION 1. The first paragraph of section 4A of chapter 7 of the General Laws, as amended by section 118 of chapter 240 of the acts of 1989, is hereby further amended by striking out the first two sentences and inserting in place thereof the following two sentences:-

The executive office for administration and finance shall include a department of procurement and general services headed by a purchasing agent, who shall have the rank of a deputy commissioner and shall be appointed by the governor; a division of public employee retirement administration headed by a commissioner; a department of personnel administration headed by a personnel administrator, who shall have the rank of deputy commissioner; a division of employee relations, headed by a deputy commissioner for employee relations; a fiscal affairs division,

headed by a deputy commissioner for fiscal affairs; a division of capital planning and operations; and a department of revenue, headed by a commissioner for revenue. Each such position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 2. Said section 4A of said chapter 7, is hereby further amended by striking the second paragraph as appearing in the 1988 Official Edition, and inserting in place thereof the following paragraph:-

There shall be established within the department of procurement and general services such divisions and bureaus as are deemed necessary from time to time by the commissioner of administration for the purpose of carrying out the functions of the department which shall include but not be limited to: the acquisition of goods, supplies, equipment, including information systems and telecommunications equipment, and services related thereto, providing technical assistance and advice for said acquisition; the acquisition of services, excepting the acquisition of services as otherwise provided for in any special or general law, or in any administrative rule or regulation promulgated by the commissioner of administration; the administration of the state and federal surplus property programs; the administration of a periodic inventory of state owned tangible personal property; the administration of the collective purchasing program for the political subdivisions of the commonwealth; the administration of a central state post office and reproduction and micrographics facilities; the management of state acquired vehicles including the use and maintenance thereof; and such other functions as the commissioner may from time to time deem necessary for the efficient and economical administration of the work of said department.

SECTION 3. Section twenty-four of said chapter seven is hereby repealed.

SECTION 4. The functions, rights, powers, duties, obligations and properties of the following administrative units within the executive office for administration and finance are hereby transferred to and shall hereafter be exercised, performed and held by the department of procurement and general services established by section four A of chapter seven of the General Laws: the purchasing agent's division; the bureau of systems, policy and planning; the office of telecommunications; the motor vehicle management bureau; the bureau of central state services; the bureau of collective purchasing; and the state office for federal surplus property.

SECTION 5. All employees of any department, office, commission, board, division, bureau, section or other administrative unit or agency transferred by this act to the department of procurement and general services who, immediately prior to the effective date of this act, either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the department of procurement and general services, every such transfer to be without impairment of civil service status, seniority, retirement

or other rights of the employee and without interruption of service within the meaning of said chapter thirty-one or said section nine A of said chapter thirty and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of chapter thirty-one and the rules and regulations adopted thereunder.

All employees of any such department, office, commission, committee, council, board, division, bureau, section, administrative unit, or other agency who, immediately prior to said effective date, neither hold permanent appointment in such positions nor have such tenure, are hereby transferred to the department of procurement and general services, every such transfer to be without impairment of seniority, retirement and other rights of such employees, and without interruption of service within the meaning of said section nine A of said chapter thirty and without reduction in compensation or salary or grade, notwithstanding any change in title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited prior to said effective date.

The status of the incumbent in any office or position placed within the classified civil service by this act shall be determined pursuant to section forty-seven A of said chapter thirty-one.

SECTION 6. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by any department, office, commission, committee, board, division, bureau, section, officer, administrative unit or other agency transferred by this act to the department of procurement and general services which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force, notwithstanding the passage of this act, and shall thereafter be completed before or by the department or the appropriate bureau thereof, as the case may be.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any department, office, commission, committee, council, board, division, bureau, administrative unit or other agency transferred by this act to the department of procurement and general services, which are pending immediately prior to the effective date of this act, shall continue in force and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or cancelled in accordance with law, by the department or the appropriate bureau within the department or the executive office for administration and finance, as the case may be.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and of the agencies to which the completion or enforcement thereof is so transferred, shall be determined by the commissioner of administration.

SECTION 7. All books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act, are in custody of any department, office, commission, committee, council, board, division, bureau, section, administrative unit or other agency transferred by this act to the department of procurement and general services are hereby transferred to the department or the appropriate bureau therein.

All questions regarding the identification of such property and of the agencies to which custody thereof is transferred shall be determined by the commissioner of administration.

SECTION 8. All duly existing contracts, leases and obligations of any department, office, commission, committee, council, board, division, bureau, officer, section, administrative unit or other agency transferred by this act to the department of procurement and general service, which are in force immediately prior to the effective date of this act, shall thereafter be performed by the department or the appropriate bureau within the department as the case may be.

No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 9. All monies heretofore appropriated for any department, office, commission, committee, council, board, division, bureau, section, administrative unit, officer or other agency transferred by this act to the department of procurement and general services remaining unexpended on the effective date of this act, are hereby transferred to the department of procurement and general service, and shall be available for expenditure by the department or the appropriate bureau thereof for the purposes for which such funds were originally appropriated.

All questions regarding the identification of such monies shall be determined by the commissioner of administration.

SECTION 10. Wherever the name of any department, office, committee, commission, council, board, division, bureau, section, administrative unit or other agency, transferred by this act to the department of procurement and general service appears in any general or special law, or in any order, rule, regulation or other document, such name shall mean, and shall be construed as referring to, the department or the appropriate bureau thereof, as the case may be.

SECTION 11. Wherever in any special or general law or in any rule or regulation there is provided a right of appeal to any department, office, commission, committee, council, board, division, section, administrative unit, bureau, officer or other agency transferred by this act to the department of procurement and general services, a right of appeal to the department or the appropriate bureau within the department, as the case may be, shall exist and such appeal shall be made pursuant to the provisions of any applicable law, rule or regulation or amendments thereto or, in the absence of such applicable law, rule or regulation, pursuant to chapter thirty A of the General Laws.

SECTION 12. All powers, duties and other statutory provisions which, prior to the effective date of this act, were assigned to, or exercised by, any department, office, commission, committee, council, board, division, bureau, section, administrative unit, or other agency transferred by this act to the department of procurement and general services, shall continue to be exercised and performed by, and to be assigned to the department, or to the appropriate bureau within the department except as such powers, duties or other statutory provisions are modified by this act.

SECTION 13. This act shall take effect upon the expiration of sixty calendar days following its presentation to the general court pursuant to Article LXXXVII of the Massachusetts Constitution.

SECTION 14. If any provision of this act, or the application thereof to any person or circumstance, shall be declared invalid under the constitution of the commonwealth or of the United States, such invalidity shall not affect the validity of the remaining provisions of this act.

The foregoing was filed with the General Court and received by the Clerk of the House of Representatives on November 3, 1989. Not having been disapproved in either the House of Representatives or the Senate, under the provisions of Article LXXXVII of the Amendments to the Constitution it has the force of law effective January 3, 1990.

Chapter 1. **RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE INSURANCE OF DEPOSITS IN SAVINGS AND COOPERATIVE BANKS AND THE LIQUIDITY FUNDS AVAILABILITY TO SUCH BANKS.**

RESOLVED, That a special commission, to consist of three members of the senate, six members of the house of representatives, the commissioner of banks, and three persons to be appointed by the governor, one of whom shall be the president of the Federal Reserve Bank of Boston or his designee, one of whom shall be the chairman of the Mutual Savings Central Fund, Inc., and one of whom shall be the chairman of the Cooperative Central Bank, is hereby established for the purpose of making an investigation and study relative to deposit insurance coverage and liquidity funds availability for savings and cooperative banks.

Said commission, in the course of its investigation and study, shall consider the structure, adequacy and necessity of the existing system of deposit insurance and liquidity funds availability with respect to such banks, and such other matters as the commission may deem necessary.

Said commission may expend such sums as may be appropriated therefor, may employ such administrative, legal, actuarial, research, clerical and other assistance as it deems necessary, may summons witnesses, compel testimony under oath and require the production of books, papers, records, correspondence or other documents which it deems relevant.

Approved March 2, 1989.

Chapter 2. **RESOLVE REVIVING AND CONTINUING AND INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION RELATIVE TO ESTABLISHING A SUITABLE MEMORIAL TO PRESIDENT JOHN F. KENNEDY.**

RESOLVED, That the special commission, established by chapter six of the resolves of nineteen hundred and eighty-three, and most recently revived and continued by chapter one of the resolves of nineteen hundred and eighty-seven, is hereby revived and continued until the last Wednesday in December, nineteen hundred and eighty-nine. The membership of said commission is hereby increased by one member of the senate, three members of the house of representatives, and two persons to be appointed by the governor.

Approved July 12, 1989.

Chapter 1. **RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE INSURANCE OF DEPOSITS IN SAVINGS AND COOPERATIVE BANKS AND THE LIQUIDITY FUNDS AVAILABILITY TO SUCH BANKS.**

RESOLVED, That a special commission, to consist of three members of the senate, six members of the house of representatives, the commissioner of banks, and three persons to be appointed by the governor, one of whom shall be the president of the Federal Reserve Bank of Boston or his designee, one of whom shall be the chairman of the Mutual Savings Central Fund, Inc., and one of whom shall be the chairman of the Cooperative Central Bank, is hereby established for the purpose of making an investigation and study relative to deposit insurance coverage and liquidity funds availability for savings and cooperative banks.

Said commission, in the course of its investigation and study, shall consider the structure, adequacy and necessity of the existing system of deposit insurance and liquidity funds availability with respect to such banks, and such other matters as the commission may deem necessary.

Said commission may expend such sums as may be appropriated therefor, may employ such administrative, legal, actuarial, research, clerical and other assistance as it deems necessary, may summons witnesses, compel testimony under oath and require the production of books, papers, records, correspondence or other documents which it deems relevant.

Approved March 2, 1989.

Chapter 2. **RESOLVE REVIVING AND CONTINUING AND INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION RELATIVE TO ESTABLISHING A SUITABLE MEMORIAL TO PRESIDENT JOHN F. KENNEDY.**

RESOLVED, That the special commission, established by chapter six of the resolves of nineteen hundred and eighty-three, and most recently revived and continued by chapter one of the resolves of nineteen hundred and eighty-seven, is hereby revived and continued until the last Wednesday in December, nineteen hundred and eighty-nine. The membership of said commission is hereby increased by one member of the senate, three members of the house of representatives, and two persons to be appointed by the governor.

Approved July 12, 1989.

Chapter 3. **RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND 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 and most recently revived and continued by chapter two of the resolves of nineteen hundred and eighty-eight, is hereby revived and continued.

Approved October 10, 1989.

Chapter 4. **RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE PRACTICE OF NURSING IN THE COMMONWEALTH.**

RESOLVED, That a special commission, to consist of two members of the senate, one of whom shall be a member of the minority party, three members of the house of representatives, one of whom shall be a member of the minority party, the secretary of the executive office of human services, or his designee, the secretary of the executive office of consumer affairs and business regulations or his designee, and ten persons to be appointed by the governor, one of whom shall represent the Massachusetts Nurses' Association, one of whom shall represent the Massachusetts Organization of Nurse Executives, one of whom shall represent the Licensed Practical Nurses of Massachusetts, Inc., one of whom shall represent the Massachusetts Association of Colleges of Nursing, one of whom shall represent the Licensed Practical Nurse Educators, one of whom shall represent the Massachusetts Organization for the advancement of Associate Degree Nursing, one of whom shall represent the Diploma Nurses Association and one of whom shall represent the Massachusetts/Rhode Island League for Nursing, is hereby established for the purposes of making an investigation and study relative to the practice of nursing including, but not limited to, the levels of education and titling changes for licensed practical nurses and registered nurses and problems associated with the practice of nursing in the commonwealth, including possible solutions to the current nursing shortage. Members chosen to represent professional organizations will be chosen from a list of nominees provided by that organization. Said commission shall use only existing staff to conduct said investigation and study and no additional funds shall be expended by said commission to conduct said investigation and study.

Said commission shall report to the house of representatives the results of its investigation and study and its recommendations if any, together with drafts of legislation, if 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 in June, nineteen hundred and ninety.

Approved December 29, 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 AUTHORITY OF THE CONSTITUTION.

The General Court during its first session held in 1989 passed 731 Acts and four Resolves of which 729 Acts and four Resolves received executive approval. Two Acts did not receive executive approval and are considered vetoed, the General Court having dissolved at the time.

Chapter 730, an Act Reorganizing the Executive Office of Energy Resources and Chapter 731 an Act Reorganizing Certain Divisions, Bureaus and Offices of the Executive Office for Administration and Finance were not disapproved by either the Senate or the House of Representatives and therefore are laws as provided in Article LXXXVII of the Amendments to the Constitution.

Thirty five Acts were declared to be emergency laws by the Governor in accordance with the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures; respectively Chapters 19, 37, 39, 105, 127, 190, 193, 195, 227, 237, 241, 280, 286, 294, 308, 322, 332, 352, 368, 376, 384, 387, 517, 533, 593,594, 601, 632 676, 679, 687, 712, 714, 716 and 729.

The General Court was dissolved on Tuesday, January 2, 1990 at twelve o'clock midnight, the session having occupied 365 days.

Michael Joseph Connolly

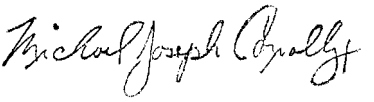
Michael J. Connolly,
Secretary of State.

February 2, 1990

OFFICE OF THE SECRETARY, BOSTON, February 2, 1990

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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Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

Chapter 2. — Arms, Great Seal and Other Emblems of the Commonwealth.

SECT. 31 added, 1989, 445.
SECT. 32 added, 1989, 661.

Chapter 3. — The General Court.

Chapter 4. — Statutes.

SECT. 6, Clause Eighth revised, 1989, 216.
SECT. 7, clause Forty-third, twelfth paragraph, paragraph (c) stricken out, 1989, 665 § 1.

Chapter 5. — Printing and Distribution of Laws and Public Documents.

Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

SECT. 12NN added, 1989, 126.
SECT. 12OO added, 1989, 285.
SECT. 12PP added, 1989, 506.
SECT. 12QQ added, 1989, 643.
SECT. 15FFF amended, 1989, 341 § 1.
SECT. 15HHH added, 1989, 58.
SECT. 15III added, 1989, 91.
SECT. 15JJJ added, 1989, 159.
SECT. 15KKK added, 1989, 226.
SECT. 15LLL added, 1989, 294.
SECT. 15MMM added, 1989, 421.

*For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-587 of the Acts and Resolves of 1932. For table showing changes in legislation made during the years 1932 through 1984, inclusive, see Table of Changes contained in the Acts and Resolves of 1984. For table showing changes in legislation made during 1985 and 1986, see Table of Changes contained in the Acts and Resolves of 1986.

SECT. 15NNN added, 1989, 531.
SECT. 17 amended, 1989, 607 § 1.
SECT. 79, clause (h) stricken out and clauses (h) and (i) inserted, 1989, 722 § 1.
SECT. 85 amended, 1989, 341 § 2.
SECT. 172, last paragraph, clause (3) stricken out and clauses (3) and (4) inserted, 1989, 268 §1.
SECT. 201 amended, 1989, 416 § 1.
SECT. 204 added, 1989, 607 § 2.

Chapter 6A. — Executive Offices.

SECT. 2 amended, 1989, 730 § 1. (See 1989, 730 § 80.)
SECT. 8 amended, 1989, 341 § 3.
SECT. 9 amended, 1989, 730 § 2. (See 1989, 730 § 80.)
SECT. 32 amended, 1989, 653 § 5; sentence inserted after first sentence, 1989, 653 § 6; section amended, 1989, 653 § 7; two paragraphs inserted after tenth paragraph, 1989, 653 § 8; **two sentences added, fourteenth paragraph, 1989, 653, s.9; paragraph added, 1989, 653, s.10.**
SECT. 37B added, 1989, 337 § 1. (See 1989, 337 §§ 2, 3.)
SECT. 78, third paragraph revised, 1989, 287 § 35. (See 1989, 287 § 76.)
SECT. 80, paragraph (c), second paragraph amended, 1989, 287 § 36; paragraph (f), clause (vii) added, 1989, 287 § 37. (See 1989, 287 § 76.)
SECT. 81, paragraph (c), second paragraph, sentence added, 1989, 287 § 38. (See 1989, 287 § 76.)
SECT. 82, paragraph (d) added, 1989, 240 § 114. (See 1989, 240 § 130.)
SECT. 82A, paragraph (c) added, 1989, 240 § 115. (See 1989, 240 § 130.)
SECT. 87, first paragraph, third sentence revised, 1989, 653 § 11.
SECT. 91, first paragraph, clause (h) added, 1989, 240 § 116. (See 1989, 240 § 130.)
SECT. 96, clause (p) added, 1989, 240 § 117. (See 1989, 240 § 130.)
SECT. 99, paragraph added, 1989, 287 § 39.
SECT. 100, paragraph (b) revised, 1989, 287 § 40. (See 1989, 287 § 76.)

Chapter 7. — Executive Office for Administration and Finance. (Former title, Commission on Administration and Finance).

SECT. 4A, first sentence revised, 1989, 240 § 18; first paragraph, first two sentences revised, 1989, 731 § 1; second paragraph revised, 1989, 731 § 2. (See 1989, 240 § 130; 1989, 731 § 13.)
SECT. 4H, paragraph added, 1989, 192.
SECT. 24 repealed, 1989, 731 § 3. (See 1989, 731 § 13.)
SECT. 28, sixth paragraph, sentence added, 1989, 529 § 1.
SECT. 38K amended, 1989, 687 § 1.
SECT. 39B amended, 1989, 341 § 4.
SECT. 42C, fourth paragraph stricken out and two paragraphs inserted, 1989, 517.
SECT. 43F amended, 1989, 730 § 3.

Chapter 7A. — OFFICE OF THE COMPTROLLER.

SECT. 12 amended, 1989, 653 § 12; paragraph inserted after second paragraph, 1989, 653 § 13.

Chapter 8. — State Superintendant of Buildings, and State House.

Chapter 9. — Department of the State Secretary.

SECT. 26A, first paragraph, clause (7), last sentence stricken out and three sentences inserted, 1989, 386.

SECT. 26C amended, 1989, 341 § 5.

Chapter 10. — Department of the State Treasurer.

SECT. 27, sentence inserted after second sentence, 1989, 619.

SECTS. 35A-35C repealed, 1989, 653 § 14.

SECT. 38, fourth paragraph stricken out and two paragraphs inserted, 1989, 466.

SECTS. 52-58 added, 1989, 653 § 15. (See 1989, 653 § 241.)

Chapter 11. — Department of the State Auditor.

SECT. 12 revised, 1989, 508.

Chapter 12. — Department of the Attorney General, and the District Attorneys.

SECT. 8F, second paragraph, fourth sentence stricken out and two sentences inserted, 1989, 326.

Chapter 12A. — OFFICE OF THE INSPECTOR GENERAL.

Chapter 13. — Department of Civil Service and Registration.

SECT. 10B inserted, 1989, 579 § 1.

SECT. 69, subparagraph (A), first paragraph, first sentence revised, 1989, 720 § 2.

SECT. 88, first and second sentences revised, 1989, 720 § 1.

SECT. 90, first paragraph, second sentence revised, 1989, 720 § 3.

Chapter 14. — Department of Revenue.

SECT. 6, subparagraph 3 added, 1989, 400 § 1.

Chapter 15. — Department of Education.

SECT. 1L, fifth paragraph amended, 1989, 653 § 17.

SECTS. 40-45 repealed, 1989, 653 § 16. (See 1989, 653 § 241.)

SECT. 49C, second paragraph, sentence inserted after second sentence, 1989, 427.

SECT. 65, second paragraph amended, 1989, 341 § 6.

Chapter 15A. — BOARD OF REGENTS OF HIGHER EDUCATION.

SECT. 5 amended, 1989, 653 § 18.

SECTS. 5B-5F added, 1989, 653 § 19.
SECT. 7B amended, 1989, 558.

Chapter 15B. — THE NEW ENGLAND EDUCATIONAL LOAN MARKETING CORPORATION ACT.

Chapter repealed, 1982, 356 § 2.

Chapter 15C. — MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY.

SECT. 1 revised, 1989, 655 § 1.
SECT. 2 revised, 1989, 655 § 2.
SECT. 3 revised, 1989, 655 § 3.
SECT. 4, paragraph (a) revised, 1989, 655 § 4; paragraph (d) amended, 1989, 655 § 5.
SECT. 5 amended, 1989, 655 § 6; paragraph (f½) inserted, 1989, 655 § 7; paragraph (g) revised, 1989, 655 § 8; paragraph (h) amended, 1989, 655 § 9.
SECTS. 5A-5B added, 1989, 655 § 10.
SECT. 7 amended, 1989, 655 § 11.
SECT. 14 amended, 1989, 655 § 12.
SECT. 14A amended, 1989, 655 § 13.
SECT. 14B added, 1989, 655 § 14.
SECT. 18 amended, 1989, 655 § 15.
SECT. 21 amended, 1989, 655 § 16.

Chapter 16. — DEPARTMENT OF PUBLIC WORKS.

Chapter 17. — Department of Public Health.

Chapter 18. — Department of Public Welfare.

SECT. 2, subsection (D), third paragraph, second sentence, clauses (a), (b), and (c) revised, 1989, 653 § 20.
SECT. 22, first paragraph, paragraph added, 1989, 653 § 21.

Chapter 18A. — Department of Youth Services.

Chapter 18B. — Department of Social Services.

Chapter 19. — DEPARTMENT OF MENTAL HEALTH.

SECT. 16 amended, 1989, 722 § 2.
SECT. 19, paragraph (c), paragraph added, 1989, 120 § 1.

Chapter 19A. — Department of Elder Affairs.

SECT. 15 amended, 1989, 535 § 2.
SECT. 33A added, 1989, 708.

SECT. 36 added, 1989, 614 § 1.

Chapter 19B. — Department of Mental Health.
(Former title, Department of Mental Diseases.)

SECT. 13 amended, 1989, 722 § 3.

Chapter 19C. — DISABLED PERSONS PROTECTION COMMISSION.

New chapter inserted, 1987, 465 § 11.

SECT. 10 amended, 1989, 535 § 3.

Chapter 20. — DEPARTMENT OF FOOD AND AGRICULTURE.

SECT. 20 amended, 1989, 341 § 7.

Chapter 21. — DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

SECT. 6F revised, 1989, 653 § 22.
SECT. 6G revised, 1989, 653 § 23.
SECT. 27A added, 1989, 275 § 3.
SECT. 30A, first paragraph, last sentence revised, 1989, 275 § 4.
SECT. 33, second paragraph, clause (iv) revised, 1989, 287 § 41.
SECT. 33D revised, 1989, 275 § 5.
SECT. 33E added, 1989, 275 § 5.

Chapter 21A. — Executive Office of Environmental Affairs.

SECT. 8, two paragraphs inserted after first paragraph, 1989, 265 § 2.

Chapter 21C. — Massachusetts Hazardous Waste Management Act.

SECT. 15, definition of "Covered claims" amended, 1989, 712 § 2.
SECT. 19 amended, 1989, 712 § 3.

Chapter 21D. — Massachusetts Hazardous Waste Facility Citing Act.

Chapter 21E. — MASSACHUSETTS OIL AND HAZARDOUS MATERIAL RELEASE PREVENTION AND RESPONSE ACT.

Chapter 21F. — Coastal Facilities Improvement.

Chapter 21G. — MASSACHUSETTS WATER MANAGEMENT ACT.

Chapter 21H. — SOLID WASTE FACILITIES.

New chapter added, 1987, 584 § 3.

Chapter 21I. — MASSACHUSETTS TOXICS USE REDUCTION ACT.

New chapter inserted, 1989, 265 § 3. (See 1989, 265 § 5.)

Chapter 22. — Department of Public Safety.

SECT. 13A, first paragraph, third and fourth sentences stricken out and one sentence inserted, 1989, 507; fourth paragraph, two sentences added, 1989, 722 § 4; eighth paragraph revised, 1989, 722 § 5; ninth paragraph, sentence added, 1989, 722 § 6; fourteenth paragraph, definition of "Adaptable" inserted, 1989, 722 § 7; definition of "Multiple dwelling" inserted, 1989, 722 § 8.

Chapter 22A. — CENTRAL REGISTER FOR MISSING CHILDREN.

SECT. 9 added, 1989, 144.

Chapter 23. — Department of Labor and Industries.

Chapter 23A. — Department of Commerce and Development. (Former title, Department of Commerce.)

SECT.30, paragraph (b), definition of "Institution" revised, 1989, 240 § 119; 287 § 43; definition of "Public body" revised, 1989, 240 § 120; 287 § 42; definition of "Project" amended, 1989, 653 § 24.

SECT. 35, paragraph (d), eighth sentence revised, 1989, 341 § 8; paragraph (c), second sentence revised, 1989, 287 § 44.

Chapter 23B. — Department of Community Affairs.

SECT. 3 amended, 1989, 151 § 1.

SECT. 5B added, 1989, 722 § 9.

SECT. 25, definition of "Rental housing project", sentence added, 1989, 679 § 20.

Chapter 23C. — BOARD OF CONCILIATION AND ARBITRATION.

Chapter 23D. — MASSACHUSETTS INDUSTRIAL SERVICE PROGRAM.

SECT. 1 revised, 1989, 607 § 3.
SECT. 4, clause (h) added, 1989, 607 § 4.
SECT. 5, paragraph added, 1989, 607 § 5.
SECT. 8 amended, 1989, 607 § 6.
SECT. 9, paragraph (a), first sentence revised, 1989, 607 § 7.
SECT. 11 revised, 1989, 607 § 8.
SECT. 13 revised, 1989, 607 § 9.
SECT. 14 revised, 1989, 607 § 10.
SECTS. 16-24 added, 1989, 607 § 11.

Chapter 23E. — DEPARTMENT OF INDUSTRIAL ACCIDENTS.

Chapter 24. — Department of Industrial Accidents.

Chapter repealed, 1953, 314 § 14.

Chapter 25. — Department of Public Utilities.

SECT. 5D inserted, 1989, 280.

SECT. 18, first paragraph, second sentence revised, 1989, 653 § 25; third sentence amended, 1989, 653 § 26.

Chapter 25A. — Executive Office of Energy Resources.

SECT. 1 revised, 1989, 730 § 4. (See 1989, 730 § 80.)

SECT. 2 revised, 1989, 730 § 5. (See 1989, 730 § 80.)

SECT. 3, definition of "Commissioner" inserted, 1989, 730 § 6; definition of "Secretary" revised, 1989, 730 § 7. (See 1989, 730 § 80.)

SECT. 4 amended, 1989, 730 § 8. (See 1989, 730 § 80.)

SECT. 5 amended, 1989, 730 §§ 9, 10. (See 1989, 730 § 80.)

SECT. 6 amended, 1989, §§ 11, 12. (See 1989, 730 § 80.)

SECT. 7 amended, 1989, 730 § 13. (See 1989, 730 § 80.)

SECT. 8 amended, 1989, 730 § 14. (See 1989, 730 § 80.)

SECT. 9 amended, 1989, 730 §§ 15, 16. (See 1989, 730 § 80.)

SECT. 10 amended, 1989, 730 § 17. (See 1989, 730 § 80.)

SECT. 11 amended, 1989, 730 § 18. (See 1989, 730 § 80.)

SECT. 11A amended, 1989, 730 § 19. (See 1989, 730 § 80.)

SECT. 12 amended, 1989, 730 § 20. (See 1989, 730 § 80.)

SECT. 35, paragraph (c), second sentence revised, 1989, 240 § 121.

Chapter 25B. — MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.

SECT. 2, definition of "Commissioner" inserted, 1989, 730 § 21; definition of "Secretary" stricken out, 1989, 730 § 22. (See 1989, 730 § 80.)

SECT. 4 amended, 1989, 730 § 23. (See 1989, 730 § 80.)

SECT. 5 amended, 1989, 730 § 24. (See 1989, 730 § 80.)

SECT. 6 amended, 1989, 730 § 25. (See 1989, 730 § 80.)

SECT. 7 amended, 1989, 730 § 26. (See 1989, 730 § 80.)

SECT. 8 amended, 1989, 730 § 27. (See 1989, 730 § 80.)

SECT. 9 amended, 1989, 730 § 28. (See 1989, 730 § 80.)

SECT. 10 amended, 1989, 730 § 29. (See 1989, 730 § 80.)

Chapter 26. — Department of Banking and Insurance.

SECT. 8H, third paragraph revised, 1989, 653 § 27.

Chapter 27. — Department of Correction.

Chapter 28. — Metropolitan District Commission.

SECTS. 7-10 added, 1989, 275 § 6.

Chapter 28A. — Office For Children.

SECT. 7, paragraph added, 1989, 260.

Chapter 29. — State Finance.

SECT. 1 amended, 1989, 655 § 17; definition of "State Authority" inserted, 1989, 653 § 28; definition of "Direct debt limit" inserted, 1989, 653 § 29.

SECT. 2J revised, 1989, 341 § 9.

SECT. 2K added, 1989, 265 § 4. (See 1989, 265 § 5.)

SECT. 2L added, 1989, 275 § 7.

SECT. 5, subsection (I) amended, 1989, 448 § 1. (See 1989, 448 § 4.)

SECT. 5C amended, 1989, 448 § 2. (See 1989, 448 § 4.)

SECT. 5D, paragraph added, 1989, 653 § 30.

SECT. 5E added, 1989, 287 § 45.

SECT. 6B, subsection (a), second paragraph amended, 1989, 341 § 10.

SECT. 7C amended, 1989, 341 § 11.

SECT. 12B revised, 1989, 653 § 31. (See 1989, 653 § 239.)

SECT. 29A revised, 1989, 653 § 32.

SECT. 29D added, 1989, 653 § 33.

SECT. 29E added, 1989, 653 § 33.

SECT. 38C added, 1989, 655 § 18.

SECT. 48B added, 1989, 375 § 1.

SECT. 49, second paragraph amended, 1989 655 § 19; paragraph inserted after second paragraph, 1989, 655 § 20; last paragraph stricken out and two paragraphs inserted, 1989, 655 § 21.

SECT. 49C added, 1989, 655 § 22.

SECT. 52 revised, 1989, 655 § 23.

SECT. 60A, paragraph added, 1989, 653 § 34.

SECT. 60B added, 1989, 653 § 35.

Chapter 29A. — Financing the Judicial System.

Chapter 29B. — STATE REVENUE GROWTH CONTROL.

Chapter 29C. — WATER POLLUTION ABATEMENT REVOLVING LOAN PROGRAM.

New chapter inserted, 1989, 275 § 8.

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

SECT. 37 revised, 1989, 529 § 2.

SECT. 39M, paragraph (d), clause (4) revised, 1989, 687 § 2.

SECT. 39Q, paragraph (1), subparagraph (c), first sentence revised, 1989, 541.

Chapter 30A. — State Administrative Procedure.

SECT. 5, second paragraph, two sentences inserted after first sentence, 1989, 688 § 1.

SECT. 6, paragraph inserted after second paragraph, 1989, 688 § 2.

SECT. 6D added, 1989, 688 § 3.

SECT. 6E added, 1989, 688 § 3.

Chapter 30B. — UNIFORM PROCUREMENT ACT.

New chapter inserted, 1989, 687 § 3.

Chapter 31. — Civil Service.

SECT. 3, sentence inserted after first sentence, 1989, 529 § 3.
SECT. 18, first paragraph revised, 1989, 173.
SECT. 22, second paragraph revised, 1989, 269.
SECT. 58, second paragraph revised, 1989, 311 § 1.
SECT. 59, second paragraph revised, 1989, 174.
SECT. 60, first paragraph revised, 1989, 175.
SECT. 64 amended, 1989, 311 § 2.

Chapter 31A. — MUNICIPAL PERSONNEL SYSTEMS.

Chapter 32. — Retirement Systems and Pensions.

SECT. 6, subdivision (3), paragraph (b), second paragraph, first sentence revised, 1989, 483 § 1; sentence added, 1989, 483 § 2; paragraph added, 1989, 483 § 3.

SECT. 8, subdivision (2) amended, 1989, 341 § 12; subdivision (4) amended, 1989, 341 § 13.

SECT. 20, subdivision (3), paragraph (b), third paragraph, first sentence stricken out, 1989, 562.

SECT. 22D, subdivisions (7) to (13), inclusive, stricken out and subdivisions (5) to (11), inclusive, inserted, 1989, 341 § 14.

SECT. 65D ½ added, 1989, 608 § 2.

SECT. 90H (inserted by 1980, 46 § 1) stricken out, 1989, 341 § 15.

SECT. 90I added, 1989, 341 § 15.

Chapter 32A. — Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

SECT. 14, third paragraph, second sentence revised, 1989, 653 § 36. (See 1989, 653 § 242.)

Chapter 32B. — Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

SECT. 16, third paragraph, second sentence revised, 1989, 653 § 37. (See 1989, 653 § 242.)

Chapter 33. — Militia.

Chapter 34. — Counties and County Commissioners.

SECT. 14, first paragraph amended, 1989, 193 § 1.

SECT. 17 repealed, 1989, 687 § 4. (See 1989, 687 § 25.)

Chapter 34A. — COUNTY CHARTER PROCEDURES.

Chapter 35. — County Treasures, State Supervision of County Accounts and County Finances.

SECT. 28B, subsection (e) amended, 1989, 341 § 16.
SECT. 37A amended, 1989, 687 § 5. (See 1989, 687 § 25.)
SECT. 44 amended, 1989, 687 § 6. (See 1989, 687 § 25.)

Chapter 36. — Registers of Deeds.

SECT. 24B, third paragraph revised, 1989, 718 § 1.
SECT. 32, paragraph inserted after first paragraph, 1989, 653 § 38.
SECT. 32A added, 1989, 400 § 2.

Chapter 37. — Sheriffs.

Chapter 38. — Medical Examiners

SECT. 6, first paragraph, third sentence revised, 1989, 323; paragraph inserted after first paragraph, 1989, 220.

Chapter 39. — Municipal Government.

SECT. 9 amended, 1989, 341 § 17.
SECT. 23B, eleventh paragraph amended, 1989, 341 § 18; twelfth paragraph amended, 1989, 341 § 19.

Chapter 40. — Powers and Duties of Cities and Towns.

SECT. 3, second paragraph stricken out, two paragraphs inserted, 1989, 706.
SECT. 4, second paragraph revised, 1989, 710; section revised, 1989, 687 § 7. (See 1989, 687 § 25.)
SECT. 4B repealed, 1989, 687 § 8. (See 1989, 687 § 25.)
SECT. 4B½ repealed, 1989, 687 § 9. (See 1989, 687 § 25.)
SECT. 4G repealed, 1989, 687 § 10. (See 1989, 687 § 25.)
SECT. 4H repealed, 1989, 687 § 11. (See 1989, 687 § 25.)
SECT. 5, clause 43 amended, 1989, 113; section revised, 1989, 687 § 12. (See 1989, 687 § 25.)
SECTS. 5F-5G added, 1989, 687 § 13. (See 1989, 687 § 25.)
SECT. 6O added, 1989, 687 § 14. (See 1989, 687 § 25.)
SECT. 8C amended, 1989, 687 § 15; paragraph added, 1989, 687 § 16. (See 1989, 687 § 25.)
SECT. 8H, paragraph added, 1989, 687 § 17. (See 1989, 687 § 25.)
SECT. 13C added, 1989, 455.
SECT. 15A, paragraph added, 1989, 235.
SECT. 15C, second paragraph, sentence added, 1989, 360.
SECT. 21D amended, 1989, 267 §§ 1, 2; 649 § 1,
SECT. 34, paragraph added, 1989, 493.
SECT. 39J ½ added, 1989, 361.
SECT. 39J ½ added, 1989, 492 § 1. (See 1989, 492 § 2.)

SECT. 39K amended, 1989, 341 § 20.
SECT. 42B, first paragraph revised, 1989, 469 § 1.
SECT. 56, sentence inserted after first sentence, 1989, 718 § 2.

Chapter 40A. — Zoning Regulations.

SECT. 3, paragraph inserted after second paragraph, 1989, 106 § 1; first paragraph revised, 1989, 590.
SECT. 7, second paragraph revised, 1989, 341 § 21.
SECT. 9, paragraph inserted after eighth paragraph, 1989, 239; tenth paragraph, fourth sentence revised, 1989, 341 § 22.
SECT. 15, fifth paragraph, eighth sentence revised, 1989, 341 § 23.
SECT. 17, first paragraph, first sentence revised, 1989, 649 § 2.

Chapter 40B. — Regional Planning.

SECT. 21, sentence inserted after fourth sentence, 1989, 593 § 1.

Chapter 40C. — Historic Districts.

Chapter 40D. — Industrial Development of Cities and Towns.

Chapter 40E. — Massachusetts Industrial Development Authority.

Chapter 40F. — The Massachusetts Community Development Finance Corporation.

Chapter 40G. — Massachusetts Technology Development Corporation.

Chapter 40H. — Community Economic Development Assistance Corporation.

Chapter 40I. — THE BAY STATE SKILLS CORPORATION ACT.

SECT. 1A, paragraph (b) amended, 1989, 653 § 39.

Chapter 40J. — Massachusetts Technology Park Corporation.

SECT. 12, subsection (b), second paragraph, third sentence stricken out, 1989, 730 § 30; subsection (e) amended, 1989, 730 § 31; paragraph (g) revised, 1989, 341 § 24. (See 1989, 730 § 80.)

Chapter 40K. — MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.

SECT. 1, definition of "Employee-owned business" inserted, 1989, 607 § 12.
SECT. 6, last paragraph amended, 1989, 607 § 13.

Chapter 40L. — AGRICULTURAL INCENTIVE AREAS.

Chapter 40M. — GOVERNMENTAL UNITS POOLED INSURANCE.

Chapter 41. — Officers and Employees of Cities, Towns and Districts.

SECT. 34B added, 1989, 400 § 3.
SECT. 38A, paragraph added, 1989, 400, § 4.
SECT. 103 amended, 1989, 341 § 25.
SECT. 105, second, third and fourth sentences revised, 1989, 124.
SECT. 111N added, 1989, 312.

Chapter 42. — Boundaries of Cities and Towns.

Chapter 43. — City Charters.

SECT. 29 amended, 1989, 687 § 18. (See 1989, 687 § 25.)
SECT. 108 revised, 1989, 257.

Chapter 43A. — Standard Form of Representative Town Meeting Government.

Chapter 43B. — Home Rule Procedures.

Chapter 43C. — OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

New chapter inserted, 1987, 756.

Chapter 44. — Municipal Finance.

SECT. 7, clause (3A) revised, 1989, 594 § 1; clause (9) revised, 1989, 594 § 2; clause (11) revised, 1989, 594 § 3; clause (22) revised, 1989, 341 § 26; clause (31) added, 1989, 171.
SECT. 8, clause (20), sentence added, 1989, 365.
SECT. 19, first paragraph revised, 1989, 594 § 4.
SECT. 22B added, 1989, 375 § 2.
SECT. 31C amended, 1989, 341 § 27.
SECT. 53D amended, 1989, 223.
SECT. 53F, first paragraph amended, 1989, 454.
SECT. 53G inserted, 1989, 593 § 2.
SECT. 53H inserted, 1989, 594 § 5.

Chapter 44A. — QUALIFIED BOND ACT.

Chapter 45. — Public Parks, Playgrounds and the Public Domain.

Chapter 46. — Return and Registry of Births, Marriages and Death.

SECT. 12, second sentence revised, 1989, 556 § 1.
SECT. 20 revised, 1989, 610 § 1.

Chapter 47. — Infirmaries.

Chapter 48. — Fires, Fire Departments and Fire Districts.

SECT. 16 amended, 1989, 457 § 1.
SECT. 16A amended, 1989, 457 § 2.
SECT. 90 added, 1989, 262 § 1.

Chapter 49. — Fences, Fence Viewers, Pounds and Field Drivers.

Chapter 49A. — Use of Certain Animals for Scientific Investigation, Experiment or Instruction.

Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

Chapter 51. — Voters

SECT. 42B, second paragraph stricken out, 1989, 567 § 1.
SECT. 42E, first sentence revised, 1989, 178.
SECT. 42F inserted, 1989, 567 § 2.
SECT. 50 revised, 1989, 194.

Chapter 52. — Political Committees.

SECT. 9 revised, 1989, 118.

Chapter 53. — Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.

SECT. 6, last paragraph revised, 1989, 676 § 1.
SECT. 10, first paragraph revised, 1989, 676 § 2; second and third paragraphs revised, 1989, 601.
SECT. 32, last sentence stricken out, 1989, 611.
SECT. 48, last paragraph, last sentence revised, 1989, 676 § 3.

Chapter 54. — Elections.

SECT. 11B, second paragraph revised, 1989, 491 § 1.
SECT. 12, second, third, fourth paragraphs revised, 1989, 491 § 2.
SECT. 13, sentence inserted after third sentence, 1989, 491 § 3.
SECT. 14, first sentence revised, 1989, 491 § 4.
SECT. 42, last paragraph, second sentence revised, 1989, 341 § 28.

Chapter 54A. — Election of City and Town Officers by Proportional Representation and Preferential Voting.

Chapter 55. — Disclosure of Campaign Expenditures and Contributions and Election Inquests.

SECT. 18, paragraph added, 1989, 598.
SECT. 24 revised, 1989, 572.

Chapter 55A. — Limited Public Financing of Campaigns for Statewide Elective Office.

Chapter 55B. — The State Ballot Law Commission.

SECT. 3 amended, 1989, 341 § 28A.

Chapter 56. — Violations of Elections Laws.

Chapter 57. — Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.

SECT. 1 amended, 1989, 341 § 29.

Chapter 58. — General Provisions relative to Taxation.

SECT. 8, first paragraph amended, 1989, 341 § 30.
SECT. 25A amended, 1989, 341 § 31.
SECT. 25B amended, 1989, 341 § 32.
SECT. 29 repealed, 1989, 397 § 1.

Chapter 58A. — Appellate Tax Board. (Former title, Board of Tax Appeals.)

SECT. 7 amended, 1989, 341 §§ 33, 34, 35; 1989, 496.
SECT. 7A amended, 1989, 496.
SECT. 8 revised, 1989, 529 § 4.

Chapter 59. — Assessment of Local Taxes.

SECT. 2A, subsection (a), first paragraph, sentence added, 1989, 653 § 40.
SECT. 5, clause Forty-first A, fourth paragraph revised, 1989, 614 § 2; clause Fiftieth revised, 1989, 494.
SECT. 8A, first paragraph, sentence inserted after first sentence, 1989, 444.
SECT. 11 amended, 1989, 585.
SECT. 18, clause Second A. inserted, 1989, 195. (See 1989, 195 § 3.)
SECT. 21C, paragraph (m) added, 1989, 634.
SECT. 29 amended, 1989, 397 § 2.
SECT. 35 repealed, 1989, 718 § 4.
SECT. 46 amended, 1989, 341 § 36.
SECT. 57C added, 1989, 653 § 41.
SECT. 59, first paragraph amended, 1989, 341 § 38.
SECT. 61A, first sentence revised, 1989, 718 § 3.
SECT. 63 revised, 1989, 718 § 5.
SECT. 64 amended, 1989, 718 § 6.
SECT. 65 amended, 1989, 718 § 7.
SECT. 65C amended, 1989, 718 § 8.
SECT. 75, first and second sentences stricken out and one sentence inserted, 1989, 398 § 1.
SECT. 76 revised, 1989, 398 § 2.
SECT. 86 amended, 1988, 397, § 3.

Chapter 59A. — Classification of Real Property.

Chapter 60. — Collection of Local Taxes.

SECT. 2B added, 1989, 729 § 1.

SECT. 3, paragraph added, 1989, 436.

SECT. 3A, fourth sentence revised, 1989, 308.

SECT. 6 amended, 1989, 341 § 39.

SECT. 15, clauses 9, 10 and 11 revised, 1989, 729 § 2.

SECT. 23 amended, 1989, 341 § 40; sentence inserted after first sentence, 1989, 437 § 1; section amended, 1989, 437 § 2.

SECT. 24 amended, 1989, 341 § 41.

SECT. 57A, first sentence revised, 1989, 432.

SECT. 80B amended, 1989, 341 § 42.

SECT. 92 revised, 1989, 729 § 3.

Chapter 60A. — Excise Tax on Registered Motor Vehicles in Lieu of Local Property Tax.

SECT. 1 amended, 1989, 341 § 43, 44; first sentence revised, 1989, 653 § 42; fourth paragraph amended, 1989, 653 § 43; 653 § 44; last paragraph stricken out, 1989, 653 § 45. (See 1989, 653 § 245.)

SECT. 2 amended, 1989, 341 § 45.

SECT. 2A revised, 1989, 653 § 46.

Chapter 60B. — Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.

SECT. 2 amended, 1989, 687 § 19. (See 1989, 687 § 25.)

Chapter 61. — Classification and Taxation of Forest Lands and Forest Products. (Former title, Taxation of Forest Products and Classification and Taxation of Forest Lands.)

Chapter 61A. — Assessment and Taxation of Agricultural and Horticultural Land.

Chapter 61B. — Classification and Taxation of Recreational Land.

Chapter 62. — Taxation of Incomes.

SECT. 1, paragraph (e) revised, 1989, 287 § 46. (See 1989, 287 § 75.)

SECT. 2, subsection (a), paragraph (1), subparagraph (E) revised, 1989, 287 § 47; paragraph (2), subparagraph (B) revised, 1989, 287 § 48; subparagraph (G) amended, 1989, 730 § 32; subsection (d), paragraph (1), subparagraph (B) revised, 1989, 341 § 46; subparagraph (J) revised, 1989, 287 § 49. (See 1989, 287 § 75; 730 § 80.)

SECT. 6, subsection (c) stricken out, 1989, 341 § 47.

SECT. 6D, third paragraph revised, 1989, 240 § 123. (See 1989, 240 § 130.)

SECT. 8, paragraph (b), clause (v) stricken out, 1989, 287 § 50; paragraph (c), paragraph added, 1989, 287 § 51. (See 1989, 287, § 75.)

SECT. 10, subsection (b) amended, 1989, 341 § 48.
SECT. 17A, paragraph (e) revised, 1989, 287 § 52. (See 1989, 287 § 75.)

Chapter 62A. — Simplified Method of Computing Individual Income Taxes.

Chapter 62B. — Withholding of Taxes on Wages and Declaration of Estimated Income Tax.

Chapter 62C. — Administrative Provisions Relative to State Taxation.

SECT. 8A amended, 1989, 341 § 49.
SECT. 21, subsection (a) amended, 1989, 439 § 1; subsection (b), clause (3) revised, 1989, 439 § 2; clause (8) revised, 1989, 439 § 3; subsection (d) added, 1989, 439 § 4.

Chapter 62D. — SET-OFF DEBT COLLECTION.

Chapter 62E. — WAGE REPORTING SYSTEM.

SECT. 2, sentence added, 1989, 419.

Chapter 62F. — LIMITATION ON THE GROWTH OF STATE TAX REVENUES.

SECT. 5 revised, 1989, 448 § 3. (See 1989, 448 § 4.)

Chapter 63. — Taxation of Corporations.

SECT. 30, paragraph 1 amended, 1989, 341 § 50; paragraph 5, subdivision (a) amended, 1989, 730 § 33.
SECT. 32D revised, 1989, 287 § 53. (See 1989, 287 § 75.)
SECT. 38H, paragraph (a) amended, 1989, 341 § 52.
SECT. 38L added, 1989, 240 § 122.
SECT. 67, first sentence revised, 1989, 341 § 53.

Chapter 63A. — Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

Chapter 63B. — Declaration of Estimated Tax by Corporations.

SECTS. 2-4 stricken out and sections 2, 3, 4, 4A, and 4B inserted, 1989, 39 § 1. (See 1989, 39 §§ 6, 7.)

Chapter 63C. — Taxation of Income of Certain Corporations.

Chapter repealed, 1985, 593 § 24.

Chapter 64. — Taxation of Stock Transfers.

Chapter 64A. — Taxation of Sales of Gasoline.(Former title, Taxation of Sales of Gasoline and Certain other Motor Vehicle Fuel.)

SECT. 9, second sentence revised, 1989, 341 § 54.

Chapter 64B. — Excise upon Charges for Meals served to the Public.

Chapter 64C. — Cigarette Excise.

SECT. 13, subdivision (c) revised, 1989, 60.

Chapter 64D. — Excise on Deeds, Instruments and Writings.

SECT. 1, first sentence revised, 1989, 193 §§ 2, 3; section amended, 1989, 193 § 4. (See 1989, 193 § 11.)

SECTS. 11-13 added, 1989, 193 § 5. (See 1989, 193 §§ 11, 12.)

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, paragraph (g) amended, 1989, 341 § 55.

Chapter 64H. — Tax on Retail Sales of Certain Tangible Personal Property.

SECT. 25, paragraph inserted after second paragraph, 1989, 653 § 47. (See 1989, 653 § 245.)

Chapter 64I. — Tax on storage, Use or Other Consumption of Certain Tangible Personal Property.

SECT. 26, paragraph inserted after second paragraph, 1989, 653 § 48. (See 1989, 653 § 245.)

Chapter 64J. — TAXATION OF FUELS USED IN THE PROPULSION OF AIRCRAFT.

Chapter 65. — Taxation of Legacies and Successions.

SECT. 9, second and third paragraphs stricken out and one paragraph inserted, 1989, 205.

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.

SECT. 10, paragraph (b) amended, 1989, 341 § 56.

Chapter 66. — Public Records.

SECT. 17A amended, 1989, 653 § 49.

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.

SECT. 4, amended, 1989, 341 § 57.

Chapter 69. — Powers and Duties of the Department of Education.

Chapter 70. — School Funds and State Aid for Public Schools. (Former title, School Funds and Other State Aid for Public Schools.)

Chapter 70A. — EQUAL EDUCATIONAL OPPORTUNITY GRANTS.

Chapter 71. — Public Schools.

SECT. 2B added, 1989, 95.
SECT. 7A amended, 1989, 687 § 20. (See 1989. 687 § 25.)
SECT. 37H, two paragraphs added, 1989, 603.
SECT. 38 amended, 1989, 261.
SECT. 38G, fifteenth paragraph revised, 1989, 467.

Chapter 71B. — CHILDREN WITH SPECIAL NEEDS.

SECT. 2, first sentence revised, 1989, 653 § 50.
SECT. 3, sixteenth paragraph, third sentence revised, 1989, 653 § 51.
SECT. 5, first paragraph, sentence added, 1989, 653 § 52.

Chapter 72. — School Registers and Returns.

Chapter 73. — State Colleges and Community Colleges. (Former title, State Teachers Colleges and Community Colleges.)

Chapter 74. — Vocational Education.

Chapter 75. — University of Massachusetts. (Former title, Massachusetts State College.)

Chapter 75A. — University of Lowell.
(Former title, Lowell Technological Institute of Massachusetts.)

Chapter 75B. — Southeastern Massachusetts University. (Former title, South Eastern Massachusetts University.) (Former title Southeastern Massachusetts Technological Institute.)

Chapter 75C. — Private Correspondence Schools.

SECT. 4 revised, 1989, 522 § 1.

Chapter 75D. — Private Business Schools.

SECT. 2, third sentence revised, 1989, 139.
SECT. 14 revised, 1989, 522 § 2.

Chapter 76. — School Attendence.

SECT. 2 amended, 1989, 341 § 58.

Chapter 77. — School Offenders and County Training Schools.

Chapter 78. — Libraries.

Chapter 79. — Eminent Domain.

SECT. 4, paragraph added, 1989, 528.
SECT. 7H amended, 1989, 591.

Chapter 79A. — Relocation Assistance.

Chapter 80. — Betterments.

SECT. 15 amended, 1989, 341 § 59.

Chapter 80A. — Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

Chapter 81. — State Highways.

SECT. 8A added, 1989, 566.

Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

SECT. 40, eighth paragraph revised, 1989, 123.

Chapter 83. — Sewers Drains and Sidewalks.

SECT. 16B, first paragraph revised, 1989, 469 § 2.

Chapter 84. — Repair of Ways and Bridges.

Chapter 85. — Regulations and By Laws to Ways and Bridges.

SECT. 17 revised, 1989, 341 § 60.

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. 7A, sentence inserted after third sentence, 1989, 114.

Chapter 90. — Motor Vehicles and Aircraft.

SECT. 1, definition of "Owner-repairman" stricken out and definition of "Owner-contractor" inserted, 1989, 653 § 53; definition of "Repairman" revised, 1989, 653 § 54; four definitions added, 1989, 653 § 55. (See 1989, 653 § 245.)

SECT. 1B, last paragraph revised, 1989, 341 § 61.

SECT. 2, eighth paragraph revised, 1989, 613; paragraph added, 1989, 653 § 56. (See 1989, 653 § 245.)

SECT. 5, first sentence amended, 1989, 653 § 57; second sentence amended, 1989, 653 § 58; eighth sentence stricken out and two sentences inserted, 1989, 653 § 59; two paragraphs added, 1989, 653 § 60. (See 1989, 653 § 245.)

SECT. 7B amended, 1989, 221 § 1.

SECT. 7D, paragraph added, 1989, 176.

SECT. 7D½, clause (2) revised, 1989, 221 § 2.

SECT. 7E, sixth paragraph amended, 1989, 37.

SECT. 8, first paragraph, sentence added, 1989, 510 § 1; paragraph inserted after seventh paragraph, 1989, 510 § 2.

SECT. 8B, first paragraph, third sentence revised, 1989, 221 § 3.

SECT. 20 amended, 1989, 484 § 1; 1989, 484 § 2.

SECT. 20A, paragraph added, 1989 204 § 1.

SECT. 20A½, paragraph added, 1989 204 § 2.

SECT. 22, subsection (e) revised, 1989, 322 § 1.

SECT. 22B revised, 1989, 213 § 1. (See 1989, 213 § 2.)

SECT. 24D, ninth paragraph amended, 1989, 653 § 61.

SECT. 29, second sentence stricken out, 1989, 311 § 3.

SECT. 32G, eleventh paragraph, first sentence revised, 1989, 221 § 4.

SECT. 32I added, 1989, 653 § 62. (See 1989, 653 § 245.)

SECT. 33, subdivision (7), sixth paragraph, first sentence revised, 1989, 653 § 63; two paragraphs inserted after sixth paragraph, 1989, 653 § 64. (See 1989, 653 § 245.)

SECT. 34J amended, 1989, 214.

SECT. 34M amended, 1989, 271.

SECT. 34O, paragraph inserted after second paragraph, 1989, 574.

SECT. 34R added, 1989, 726.

Chapter 90A. — The Highway Safety Act.

Chapter 90B. — Motorboats and Other Vessels.

SECT. 8, subsection (e) revised, 1989, 296.
SECTS 9A-9B added, 1989, 681 § 1.
SECT. 14 amended, 1989, 681 § 2.
SECT. 36 added, 1989, 653 § 65.

Chapter 90C. — Procedure against Violators of Motor Vehicle Laws.

Chapter 90D. — Motor Vehicle Certificate of Title.

SECT. 2, paragraph (a), clause (11) stricken out, 1989, 653 § 66.
SECT. 20B amended, 1989, 341 § 62.

Chapter 90E. — Bikeways.

Chapter 91. — Waterways.

SECT. 49 amended, 1989, 163.

Chapter 91A. — Port of Boston Commission. (Former title, Port of Boston Authority.)

Chapter 92. — Metropolitan Sewers, Water and Parks.

SECT. 113 amended, 1989, 653 § 67.

Chapter 92A. — Massachusetts Public Building Commission.

Chapter 93. — Regulation of Trade and Certain Enterprises.

SECT. 21F revised, 1989, 522 § 3.
SECT. 48A added, 1989, 612.
SECT. 101 added, 1989, 246.
SECT. 102 added, 1989, 332.

Chapter 93A. — Regulation of Business Practices for Consumers Protection.

SECT. 9, Paragraph (3), sentence inserted after third sentence, 1989, 580 § 1.
SECT. 11, fifth paragraph, sentence inserted after first sentence, 1989, 580 § 2.

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. 303F, first two paragraphs revised, 1989, 575.

SECT. 321, four definitions inserted, 1989, 166 § 1; definition of "Bottler" revised, 1989, 653 § 68. (See 1989, 166 § 4.)

SECT. 323, paragraph (h) added, 1989, 653 § 69.

SECT. 323A added, 1989, 166 § 2. (See 1989, 166 § 4.)

SECTS. 323B-323F added, 1989, 653 § 70.

SECT. 326, paragraph added, 1989, 166 § 3; first paragraph stricken out and three paragraphs inserted, 1989, 653 § 71. (See 1989, 166 § 4.)

SECT. 327, paragraph added, 1989, 653 § 72.

Chapter 94A. — MILK CONTROL.

SECT. 21 amended, 1989, 341 § 63; paragraph added, 1989, 573.

Chapter 94B. — Hazardous Substances.

Chapter 94C. — Controlled Substances Act.

SECT. 8 amended, 1989, 468.

SECT. 18, paragraph (d) added, 1989, 278.

SECT. 32H amended, 1989, 227 § 1; amended, 1989, 415.

SECT. 32J added, 1989, 227, s. 2.

SECT. 47 amended, 1989, 162; subsection (a), subparagraph (3) revised, 1989, 653 § 73; subparagraph (5) revised, 1989, 653 § 74; subparagraphs (6A) and (7) stricken out and three paragraphs inserted, 1989, 653 § 75; subsection (b) revised, 1989, 653 § 76; subsection (c) amended, 1989, 653 §§ 77, 78; subsection (d) revised, 1989, 653 § 79; two subsections added, 1989, 653 § 80.

Chapter 95. — Measuring of Leather.

Chapter 96. — Measurement of Lumber.

Chapter 97. — Surveying of Land.

Chapter 98. — Weights and Measures.

SECT. 29, sentence inserted after third sentence, 1989, 252.

SECT. 46A revised, 1989, 438.

Chapter 99. — The Metric System of Weights and Measures.

Chapter 100. — Auctioneers.

Chapter 100A. — MOTOR VEHICLE DAMAGE REPAIR SHOPS.

New chapter inserted, 1988, 273 § 32. (See 1988, 273 § 77.)

SECT. 3, first sentence revised, 1989, 341 § 64.

SECT. 7, second paragraph, second sentence revised, 1989, 341 § 65.

Chapter 101. — Transient Vendors, Hawkers and Peddlers.

SECT. 18A added, 1989, 164.

Chapter 102. — Shipping and Seamen, Harbors and Harbor Masters.

Chapter 103. — Pilots.

SECT. 31 revised, 1989, 505 § 1; first paragraph revised, 1989, 505 § 2. (See 1989, 505 § 3.)

Chapter 104. — Agents, Consignees and Factors.

Chapter 104A. — Consignment of Fine Art.

Chapter 105. — Public Warehouses.

Chapter 105A. — SELF-STORAGE FACILITIES.

Chapter 106. — Uniform Commercial Code.

Chapter 107. — Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures. (Former title, Money and Negotiable Instruments.)

Chapter 107A. — Assignments of Accounts Receivable.

Chapter 108. — Criminal Offences Relative to Bills of Lading. (Former title, Bills of Lading.)

Chapter 108A. — Partnerships.

Chapter 109. — Limited Partnerships.

Chapter 109A. — FRAUDULENT TRANSFERS OF REAL AND PERSONAL PROPERTY.

SECT. 3 amended, 1989, 157.

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.)

SECT. 1, subsection (a) revised, 1989, 242 § 1; subsection (c), paragraph (2), clause (i) revised, 1989, 242 § 2; subsection (e) revised, 1989, 242 § 3.

SECT. 6, subsection (b) amended, 1989, 242 § 4.

Chapter 110E. — REGULATION OF CONTROL SHARE ACQUISITIONS OF FOREIGN CORPORATIONS.

New chapter inserted, 1987, 272 § 2. (See 1987, 272 § 3.)

SECT. 1, subsection (a) revised, 1989, 242 § 5; subsection (c), paragraph (2), clauses (i) and (ii) revised, 1989, 242 § 6; subsection revised, 1989, 242 § 7.

Chapter 110F. — BUSINESS COMBINATIONS WITH INTERESTED SHAREHOLDERS.

New chapter inserted, 1989, 242 § 8.

Chapter 111. — Public Health.

SECT. 5F, four paragraphs inserted after third paragraph, 1989, 687 § 21. (See 1989, 687 § 25.)

SECT. 10 repealed, 1989, 610 § 2.

SECT. 14 repealed, 1989, 610 § 3.

SECT. 25C, fifth paragraph, second sentence stricken out, 1989, 418.

SECT. 51F added, 1989, 120 § 2.

SECT. 69L added, 1989, 610 § 4.

SECT. 70E, sixth paragraph amended, 1989, 341 § 66; seventh paragraph revised, 1989, 155.

SECT. 72 amended, 1989, 535 § 4.

SECT. 72G amended, 1989, 535 § 4.

SECT. 72O amended, 1989, 458.

SECT. 111C, definition of "Unprotected exposure capable of transmitting on infectious disease dangerous to the public health" revised, 1989, 341 § 67.

SECT. 150A½, clause (15) revised, 1989, 341 § 69.
SECT. 197B amended, 1989, 341 § 68.

Chapter 111A. — Drug Addiction Rehabilitation.

Chapter repealed, 1969, 889 § 23A.

Chapter 111B. — Alcoholism.

Chapter 111C. — Emergency Medical Care.

SECT. 10A added, 1989, 405.

Chapter 111D. — Clinical Laboratories.

SECT. 4 amended, 1989, 569 § 1.
SECT. 8, clause (15) revised, 1989, 341 § 70; section amended, 1989, 569 §§ 2, 3.

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.

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 5F, second paragraph, sentence added, 1989, 153.
SECT. 8, second sentence revised, 1989, 93 § 1; fourth sentence stricken out, 1989, 93 § 2.
SECTS. 9C-9H stricken out and sections 9C to 9K, inclusive, inserted, 1989, 579 § 2.
SECT. 12G amended, 1989, 653 § 81.
SECT. 16, fourth sentence revised, 1989, 94.
SECT. 76B added, 1989, 639.
SECT. 87MM amended, 1989, 147 § 1. (See 1989, 147 § 2.)
SECT. 129A revised, 1989, 117 § 1.
SECT. 135, first paragraph, clause (g) revised, 1989, 270 § 1; clause (h) amended, 1989, 270 § 1; section stricken out, and sections 135, 135A, and 135B inserted, 1989, 535 § 1.
SECT. 163, definition of "Advertise" revised, 1989, 341 § 71; definition of "Allied mental and human services professional" revised, 1989, 720 § 4; two definitions inserted, 1989, 720 § 5.
SECT. 164, first paragraph, clauses (2) and (3) stricken out and clauses (2), (3), and (4) inserted, 1989, 720 § 6.
SECT. 165 amended, 1989, 720 § 7.

SECT. 171 amended, 1989, 720 § 8. (See 1989, 720 § 9.)

Chapter 113. — Promotion of Anatomical Science.

Chapter 114. — Cemeteries and Burials.

SECT. 1A added, 1989, 443 § 1. (See 1989, 443 § 2.)
SECT. 25, second sentence revised, 1989, 309.
SECT. 42B, first sentence revised, 1989, 236.

Chapter 115. — Veteran's Benefits. (Former title, State and Military Aid, Soldier's Relief, etc.)

SECT. 2, third paragraph revised, 1989, 665 § 2.

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 amended, 1989, 653 § 82.

Chapter 118. — Aid to Families with Dependent Children. (Former title, Aid to Dependent Children.)

Chapter 118A. — Assistance to the Aged and Disabled. (Former title, Old Age Assistance and Medical Assistance for the Aged.)

Chapter 118B. — The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

Chapter 118C. — Coverage of Certain Employees under the Federal Social Security Act.

Chapter 118D. — Assistance to Persons who are Disabled.

Chapter 118E. — Medical Care and Assistance.

SECT. 4, paragraph inserted after first paragraph, 1989, 653 § 83.
SECT. 4A added, 1989, 653 § 84.
SECT. 6, second paragraph, first sentence stricken out and two sentences inserted, 1989, 653 § 85.
SECT. 13A added, 1989, 653 § 86.
SECT. 16, four paragraphs added, 1989, 653 § 87.
SECT. 16A added, 1989, 329 § 1. (See 1989, 329 § 11.)
SECT. 16A added, 1989, 653 § 88.
SECT. 17A, paragraph inserted after first paragraph, 1989, 653 § 89.

Chapter 118F. — DEPARTMENT OF MEDICAL SECURITY.

New chapter added, 1988, 23 § 45. (See 1988, 23 § 92.)

SECT. 9, paragraph added, 1989, 653 § 90.

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECT. 29B revised, 1989, 663.

SECT. 51A, first paragraph amended, 1989, 219; 535 § 5.

SECT. 51B, three paragraphs added, 1989, 396; clause (4), paragraph added, 1989, 560.

SECT. 56 amended, 1989, 341 § 73.

Chapter 119A. — CHILD SUPPORT ENFORCEMENT.

Chapter 120. — Department of Youth Services and Massachusetts Training Schools. (Former title, Youth Service Board and Massachusetts Training Schools.)

Chapter 121. — Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

Chapter 121A. — Urban Redevelopment Corporations.

SECT. 9, paragraph added, 1989, 679 § 21.

SECT. 18C, clause (e) amended, 1989, 679 § 22.

Chapter 121B. — Housing and Urban Renewal.

SECT. 26, clause (n) added, 1989, 653 § 91.

SECT. 32, clause (h) added, 1989, 722 § 10.

SECT. 32B-32F added, 1989, 320.

SECT. 43, fourth paragraph revised, 1989, 255.

Chapter 121C. — Economic Development and Industrial Corporations.

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.1, definition of "Licensed mental health professioal" inserted, 1989, 117 § 2; definitions of "Patient", "Psychiatric nurse", "Psychiatrist", and "Psychologist" inserted, 1989, 117 § 3; definition of "Qualified psychiatric nurse mental health clinical specialist" inserted, 1989, 304 § 1; definition of "Reasonable precautions" inserted, 1989, 117 § 4; definition of "Social worker" inserted, 1989, 117 § 5.

SECT. 12, paragraph (a) amended, 1989, 304 §§ 2, 3.
SECT. 35, third paragraph, last sentence revised, 1989, 352.
SECT. 36B added, 1989, 117 § 6.

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, last sentence stricken out and two sentences inserted, 1989, 555.

Chapter 123B. — MENTAL HEALTH.

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.)

SECT. 4 amended, 1989, 311 § 4.
SECT. 16, paragraph added, 1989, 664 § 1.

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. 38B revised, 1989, 313 § 1.
SECT. 90A, first paragraph, first sentence revised, 1989, 341 § 74.
SECT. 129A repealed, 1989, 307.
SECT. 129D, first sentence revised, 1989, 321.
SECT. 130, four sentences inserted after first sentence, 1989, 268 § 2.
SECT. 152 amended, 1989, 514.

Chapter 128. — Agriculture.

SECT. 1A amended, 1989, 225.

Chapter 128A. — Horse and Dog Racing Meetings.

SECT. 5, second paragraph, sentence added, 1989, 532.
SECT. 23 amended, 1989, 341 § 75.

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. 4A added, 1989, 653 § 92.
SECT. 51A added, 1989, 546.

Chapter 131. — Inland Fisheries and Game and Other Natural Resourses. (Former title, Powers and Duties of the Division of Fisheries and Game.)

SECT. 1, definition of "Nature preserve" inserted, 1989, 652 § 1.
SECTS. 10A-10D added, 1989, 652 § 2.
SECT. 40, first paragraph revised, 1989, 287 § 54; fourteenth paragraph, sentence added, 1989, 218.
SECT. 90 amended, 1989, 653 § 93.

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.)

SECT. 7A added, 1989, 653 § 94.
SECTS. 12A-12C added, 1989, 728 § 2.
SECT. 13, paragraph added, 1989, 728 § 3.
SECTS. 14-16 stricken out and nine sections inserted, 1989, 728 § 4.
SECT. 18 revised, 1989, 728 § 5.

Chapter 132B. — Massachusetts Pesticide Control Act.

Chapter 133. — Disposition of Old and Infirm Animals.

Chapter 134. — Lost Goods and Stray Beasts.

Chapter 135. — Unclaimed and Abandoned Property.

Chapter 136. — Observance of a Common Day of Rest and Legal Holidays. (Former title, Observance of the Lord's Day and Legal Holidays.)

SECT. 13, first paragraph amended, 1989, 287 § 55; 287 § 57; second pargarph amended, 1989, 287 § 56; 287 § 58. (See 1989, 287 §§ 72, 73.)
SECT. 37 revised, 1989, 610 § 5.

Chapter 137. — Gaming.

Chapter 138. — Alcoholic Liquors. (Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)

SECT. 12, paragraph added, 1989, 694 § 1.

SECT. 15, second paragraph, fourth sentence stricken out and two sentences inserted, 1989, 694 § 2.

SECT. 22, two paragraphs added, 1989, 677.

SECT. 24 amended, 1989, 690.

SECT. 34B, third paragraph revised, 1989, 322 § 2; section amended, 1989, 674.

Chapter 139. — Common Nuisances.

Chapter 140. — Licenses.

SECT. 22B added, 1989, 459.

SECT. 32R, second paragraph, fourth sentence revised, 1989, 341 § 76.

SECT. 58, two paragraphs added, 1989, 653 § 95. (See 1989, 653 § 245.)

SECT. 59, last sentence revised, 1989, 243.

SECT. 114A amended, 1989, 602 § 1.

SECT. 114B, first sentence revised, 1989, 181.

SECT. 121, two sentences inserted after first sentence, 1989, 433.

SECT. 122B, first paragraph, sixth and seventh sentences stricken out, 1989, 338.

SECT. 129B amended, 1989, 339.

SECT. 130 revised, 1989, 554.

SECT. 131E, first sentence revised, 1989, 408.

SECT. 145B, first paragraph, sentence added, 1989, 187.

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.

Chapter 140E. — CONSUMER ACCOUNT DISCLOSURE.

Chapter 141. — Supervision of Electricians.

SECT. 3, clauses (7) and (8) revised, 1989, 127.

SECT. 8, paragraph added, 1989, 605.

Chapter 142. — Supervision of Plumbing.

SECT. 21A revised, 1989, 211.

Chapter 143. — Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs.

SECT. 71B, third sentence stricken out, 1989, 201.

SECT. 98, paragraph added, 1989, 515.

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. 64, first paragraph, fourth sentence revised, 1989, 331.

SECT. 85, second paragraph, sentence inserted after second sentence, 1989, 557 § 1.

Chapter 147. — State and Other Police, and Certain Power and Duties of the Department of Public Safety.

SECT. 10 amended, 1989, 191.

SECT. 32, second sentence stricken out, 1989, 520.

Chapter 148. — Fire Prevention.

SECT. 26A½, first paragraph revised, 1989, 306.

SECT. 26C, first paragraph revised, 1989, 527 § 1. (See 1989, 527 §§ 3, 4.)

SECT. 26E revised; 1989, 527 § 2. (See 1989, 527 §§ 3,4.)

SECT. 26G, paragraph added, 1989, 416 § 2.

SECT. 26H, paragraph added, 1989, 330; paragraph added, 1989, 557 § 2.

SECT. 26I added, 1989, 642 § 1. (See 1989, 642 § 3.)

SECT. 28, clause (3) revised, 1989, 426.

SECT. 34 amended, 1989, 642 § 2.

Chapter 149. — Labor and Industries.

SECT. 6, first and second paragraphs revised, 1989, 521. (See 1989, 730 § 80.)

SECT. 20E added, 1989, 242 § 9.

SECT. 44E, subsection (4), fifth paragraph, clauses (3), (4), and (5) revised, 1989, 341 § 77; ninth paragraph, clauses (2), (3), and (4) revised, 1989, 341 § 78.

SECT. 44F, subsection (4), paragraph (a) amended, 1989, 519.

SECT. 44J, subsection (1), first sentence revised, 1989, 341, 79.

SECT. 44M amended, 1989, 730 § 34; third paragraph, second sentence revised, 1989, 730 § 35.

SECT. 105D amended, 1989, 318.

SECT. 183 added, 1989, 242 § 10.

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. 6 amended, 1989, 470.

SECT. 8, last sentence revised, 1989, 341 § 80. (See 1989, 341 § 118.)

SECT. 9, third paragraph revised, 1989, 600 § 1; fourth paragraph, sixth sentence revised, 1989, 600 § 2.

Chapter 151. — Minimum Fair Wages. (Former title, Minimum Fair Wages for Women and Minors.)

Chapter 151A. — Employment Security. (Former title, Unemployment Compensation.)

SECT. 14, subsection (i), paragraph (1), subparagraph added, 1989, 19 § 1. (See 1989, 19 § 8.)

SECT. 14H added, 1989, 19 § 2; section repealed, 1989 19 § 3. (See 1989, 19 § 8.)

SECT. 14I added, 1989, 19 § 4. (See 1989, 19 § 8.)

SECT. 29D, subsection (b), paragraph (4) revised, 1989, 228.

SECT. 62, two paragraphs added, 1989, 19 § 6; second paragraph repealed, 1989, 19 § 7. (See 1989, 19 § 8.)

SECT. 71A, definition of "Facility" revised, 1989, 341 § 81.

SECT. 71H added, 1989, 653 § 96.

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, subsection 5, last sentence revised, 1989, 516 § 1; subsection 17 revised, 1989, 722 § 11; subsections 19, 20, and 21 added, 1989, 722 § 12.

SECT. 3, subsection 6, first sentence stricken out, two sentences inserted, 1989, 516 § 2; subsection 9, revised, 1989, 516 § 3.

SECT. 4, subsection 1 revised, 1989, 516 § 4; subsection 2 revised, 1989, 516 § 5; subsection 3 revised, 1989, 516, § 6; subsection 3A revised, 1989, 516 § 7; subsection 3B amended, 1989, 516 § 8; stricken out and three subsections inserted, 1989, 722 § 13; subsection 4A inserted, 1989, 722 § 14; subsection 6 revised, 1989, 516 § 9; amended, 1989, 722 § 15; paragraph added, 1989, 722 § 16; subsection 7 revised, 1989, 516 § 10; amended, 1989, 722 § 17; subsections 7A and 7B inserted, 1989, 722 § 18; subsection 8 revised, 1989, 516 § 11; 722 § 19; subsection 10 revised,

1989, 722 § 19A; subsection 11 amended, 1989, 722 § 20; clause 4 stricken out, 1989, 722 § 21; subsection 13 amended, 1989, 722 §§ 22, 23; subsection 14 amended, 1989, 516 § 12; last paragraph revised, 1989, 516 § 13; third paragraph revised, 1989, 516 § 14; subsection 18 added, 1989, 544.

SECT. 5, second paragraph, eight sentences inserted after second sentence, 1989, 722 § 24; paragraph amended, 1989, 722 §§ 25, 26; sentence inserted after twenty-third sentence, 1989, 722 § 27; third paragraph amended, 1989, 722 § 28; paragraph added, 1989, 722 § 29.

SECT. 8 amended, 1989, 722 § 30.

SECT. 9, third paragraph, sentence inserted after first sentence, 1989, 722 § 31.

Chapter 151C. — Fair Education Practices.

Chapter 151D. — Health, Welfare and Retirement Funds.

Chapter 151E. — Prohibition of Certain Discrimination by Business.

Chapter 152. — Workmen's Compensation.

SECT. 5, sentence added, 1989, 529 § 5.

SECT. 25C, subsection (1) amended, 1989, 341 § 82.

SECT. 65, two sentences inserted after first sentence, 1989, 653 § 97.

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.

Chapter 156B. — Certain Business Corporations.

SECT. 6B revised, 1989, 267 § 3.

SECT. 6C repealed, 1989, 267 § 4.

SECT. 32A added, 1989, 242 § 11.

SECT. 34 revised, 1989, 242 § 12.

SECT. 65, sentence inserted after first sentence, 1989, 242 § 13.

SECT. 109, introductory paragraph revised, 1989, 653 § 98.

SECT. 112 revised, 1989, 653 § 99.

Chapter 157. — Co-operative Corporations.

Chapter 157A. — EMPLOYEE COOPERATIVE CORPORATIONS.

Chapter 157B. — Cooperative Housing Cooperations.

Chapter 158. — Certain Miscellaneous Corporations.

Chapter 159. — Common Carriers.

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

Chapter 159B. — Carriers of Property by Motor Vehicle.

SECT. 6B revised, 1989, 267 s.3
SECT. 6C repealed, 1989, 267, s. 4

Chapter 160. — Railroads.

SECT. 172A added, 1989, 87.

Chapter 161. — Street Railways.

Chapter 161A. — Massachusetts Bay Transit Authority.

SECT. 19G amended, 1989, 653 § 100.
SECT. 19J added, 1989, 653 § 101. (See 1989, 653 § 244.)
SECT. 30 added, 1989, 240 § 127. (See 1989, 240 § 130.)
SECT. 31 added, 1989, 653 § 102.

Chapter 161B. — Transportation Facilities, Highway Systems and Urban Development Plan.

Chapter 161C. — Rail Transportation in the Commonwealth.

Chapter 161D. — THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

Chapter 162. — Electric Railroads.

Chapter 163. — Trackless Trolley Companies.

Chapter 164. — Manufacture and Sale of Gas and Electricity.

SECT. 2 amended, 1989, 86.
SECT. 58C, first paragraph revised, 1989, 469 § 3.
SECT. 69H, second paragraph amended, 1989, 730 § 36; 730 § 37; fifth sentence revised, 1989, 730 § 38. (See 1989, 730 § 80.)
SECT. 133 added, 1989, 314.

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. 21G revised, 1989, 441.

Chapter 166A. — Community Antenna Television Systems.

Chapter 167. — Supervision of Banks.

SECT. 2 amended, 1989, 653 § 103.

Chapter 167A. — Bank Holding Companies.

Chapter 167B. — ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

Chapter 167C. — BANK LOCATIONS.

SECT. 3, sixth paragraph revised, 1989, 222.

Chapter 167D. — DEPOSITS AND ACCOUNTS.

Chapter 167E. — MORTGAGES AND LOANS.

SECT. 2, subsection B, paragraph 14A inserted, 1989, 604 § 1.
SECT. 12 amended, 1989, 518.

Chapter 167F. — INVESTMENTS AND OTHER POWERS.

SECT. 2, paragraph 29, second sentence stricken out, 1989, 481 § 1.

Chapter 167G. — TRUST DEPARTMENT.

SECT. 3, subsection 11 stricken out and subsections 11 and 12 inserted, 1989, 512.

Chapter 167H. — MUTUAL HOLDING COMPANIES.

New chapter added, 1987, 630.

Chapter 168. — Savings Banks.

SECT. 4, clause First revised, 1989, 203; paragraph added, 1989, 719 § 1.

Chapter 169. — Deposits with Others than Banks.

Chapter 170. — Co-operative Banks.

SECT. 2, paragraph added, 1989, 719 § 2.
SECT. 22 amended, 1989, 727.
SECT. 30 amended, 1989, 341 § 83.

Chapter 171. — Credit Unions.

SECT. 10, sentence inserted after fifth sentence, 1989, 284; fifth sentence revised, 1989, 282 § 2.
SECT. 21D paragraph added, 1989, 481 s. 3.
SECT. 24, subdivision (B), subsection (a), paragraph 7 amended, 1989, 281; subdivision (D), second sentence revised, 1989, 282 § 1; fifth sentence

revised, 1989, 282 § 2; last sentence revised, 1989, 495 § 1; subdivision (H), third paragraph amended, 1989, 327. (See 1989, 495 § 2.)

SECT. 21, second paragraph, paragraph added, 1989, 481 § 2.

SECT. 21D added, 1989, 481 § 3. (See 1989, 495 § 2.)

SECT. 31, paragraph inserted after sixth paragraph, 1989, 273.

SECT. 37 amended, 1989, 604 § 2.

Chapter 172. — Trust Companies.

SECT. 12, sentence added, 1989, 242 § 14.

SECT. 13, paragraph inserted after second paragraph, 1989, 242 § 15.

SECT. 24, paragraph added, 1989, 242 § 16.

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. 1, definition of "Receiver" inserted, 1989, 237 § 1.

SECT. 6, first paragraph, third sentence revised, 1989, 237 § 2; second paragraph, first sentence revised, 1989, 237 § 3.

SECT. 47C, paragraph added, 1989, 721 § 1.

SECT. 47H amended, 1989, 170.

SECT. 108, subdivision 4, paragraph (c) revised, 578 § 1.

SECT. 110, subdivision (G), second paragraph revised, 1989, 578 §2.

SECT. 113B amended, 1989, 479.

SECT. 113H, amended, 1989, 258.

SECT. 113O, first paragraph, sentence added, 1989, 442.

SECT. 119C, first sentence revised, 1989, 615.

SECT. 123, paragraph inserted after first paragraph, 1989, 723.

SECT. 163, first paragraph amended, 1989, 112 § 1.

SECT. 180A, definition of "Ancillary state" and "Delinquency proceeding" inserted, 1989, 237 § 4; section amended, 1989, 237 § 5; three definitions inserted, 1989, 237 § 6; section amended, 1989, 237 § 7.

SECT. 180B, second sentence revised, 1989, 237 § 8.

SECT. 180C amended, 1989, 237 § 9.

SECT. 180E, first paragraph, first sentence revised, 1989, 237 § 10.

SECT. 180F, two paragraphs inserted after second paragraph, 1989, 237 § 11; third paragraph, clause (4) revised, 1989, 237 § 12; paragraph added, 1989, 237 § 13

SECT. 180I, second paragraph, sentence added, 1989, 237 § 14.

SECT. 180K, sentence added, 1989, 237 § 15.

SECTS. 197-203 repealed, 1989, 341 § 84.

SECT. 197 stricken out, 1989, 341 § 85.

SECT. 204 added, 1989, 341 § 85.

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. 5C added, 1989, 667 § 1.

Chapter 175B. — Unauthorized Insurer's Process Act.

Chapter 175C. — Urban Area Insurance Placement Facility.

Chapter 175D. — Massachusetts Insurers Insolvency Fund.

Chapter 175E. — Regulation of Rates for Optional Motor Vehicle Insurance.

Chapter 175F. — Medical Malpractice Self-Insurance Trust Funds.

Chapter 175G. — POLLUTION LIABILITY REINSURANCE CORPORATION.

New chapter inserted, 1987, 650 § 2.

SECT. 1, definition of "Pollution liability insurance policies acceptable for reinsurance under this chapter" revised, 1989, 712 § 1.

SECT. 6, second paragraph amended, 1989, 341 § 86.

Chapter 175H. — FALSE HEALTH CARE CLAIMS.

New chapter added, 1988, 295.

Chapter 176. — Fraternal Benefit Societies.

SECT. 7A added, 1989, 172 § 2.

Chapter 176A. — Non Profit Hospital Service Corporations.

SECT. 1A, paragraph added, 1989, 172 § 1.

SECT. 8, paragraph (c), clause (6), two sentences added, 1989, 578 § 3.

SECT. 8B, paragraph added, 1989, 721 § 2.

SECT. 10, first paragraph, first sentence revised, 1989, 107 § 1.

Chapter 176B. — Medical Service Corporations.

SECT. 3 amended, 1989, 341 § 87.

SECT. 4, fourth paragraph revised, 1989, 107 § 2.

SECT. 4C, paragraph added, 1989, 721 § 3.

SECT. 7, second paragraph, two sentences added, 1989, 578 § 4.

SECT. 7A added, 1989, 172 § 2.

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.

SECT. 4, paragraph added, 1989, 578 § 5.

Chapter 176F. — Optometric Service Corporations.

Chapter 176G. — Health Maintenance Organizations.

SECT. 4, paragraph added, 1989, 721 § 4.

SECT. 10, two paragraphs inserted after second paragraph, 1989, 692.

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. 18, second paragraph clause (h) added, 1989, 471.

Chapter 179. — Proprietors of Wharves, Real Estate lying in Common, and General Fields.

Chapter 180. — Corporations for Charitable and Certain Other Purposes.

SECT. 2, clause (f) added, 1989, 644 § 1.

SECT. 3, second paragraph revised, 1989, 644 § 2.

SECT. 6, first paragraph revised, 1989, 644 § 3.

SECT. 6A, third paragraph stricken out and two paragraphs inserted, 1989, 644 § 4. (See 1989, 644 § 11.)

SECTS 6B-6C added, 1989, 644 § 5.

SECT. 7 revised, 1989, 644 § 6.

SECT. 8A added, 1989, 644 § 7.

SECT. 10 revised, 1989, 644 § 8.

SECT. 10A revised, 1989, 644 § 9.

SECTS. 10B-10C added, 1989, 644 § 9.

SECT. 26B added, 1989, 644 § 10.

Chapter 180A. — Management of Institutional Funds.

Chapter 181. — Foreign Corporations.

SECT. 4, fifth paragraph, clause (5) revised, 1989, 341 § 88.

SECT. 9, paragraph inserted after first paragraph, 1989, 653 § 104; second paragraph, first sentence revised, 1989, 653 § 105.

Chapter 182. — Voluntary Associations and Certain Trusts.

Chapter 183. — Alienation of Land.

SECT. 6C added, 1989, 177.
SECT. 54, sentence inserted after fourth sentence, 1989, 303.
SECT. 67 added, 1989, 604 § 3.

Chapter 183A. — Condominiums.

SECT. 22 amended, 1989, 709 § 22.

Chapter 183B. — REAL ESTATE TIME-SHARES.

New chapter inserted, 1987, 760 § 1. (See 1987, 760 § 3.)

Chapter 184. — General Provisions relative to Real Property.

SECT. 23D added, 1989, 106 § 2.
SECT. 31, paragraph added, 1989, 275 § 9.
SECT. 32 revised, 1989, 275 § 10.
SECT. 33, first paragraph amended, 1989, 275 § 11; third paragraph amended, 1989, 275 § 12.

Chapter 184A. — The Rule against Perpetuities.

Chapter revised, 1989, 668 § 1. (See 1989, 668 § 2.)

Chapter 184B. — SHORT FORM TERMS FOR WILLS AND TRUSTS.

Chapter 185. — The Land Court and Registration of Title to Land.

SECT. 71 revised, 1989, 217.

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.

Chapter 186. — Estates for Years and at Will.

SECT. 21 revised, 1989, 650.

Chapter 187. — Easements.

Chapter 188. — Homesteads.

SECT. 1, second paragraph, second sentence revised, 1989, 475 § 1.
SECT. 1A revised, 1989, 475 § 2.

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.

Chapter 191A. — Disclaimer of Certain Property Interest Act.

Chapter 191B. — UNIFORM STATUTORY WILL ACT.

New chapter inserted, 1987, 319 § 2.

Chapter 192. — Probate of Wills and Appointment of Executors.

Chapter 193. — Appointment of Administrators.

SECT. 15 revised, 1989, 329 § 2. (See 1989, 329 § 11.)

Chapter 194. — Public Administrators.

SECT. 14 revised, 1989, 440.

Chapter 195. — General Provisions relative to Executors and Administrators.

Chapter 196. — Allowances to Widows and Children, and Advancements.

Chapter 197. — PAYMENT OF DEBTS, LEGACIES AND DISTRIBUTIVE SHARES.

SECT. 1 revised, 1989, 329 § 3. (See 1989, 329 § 11.)
SECT. 2 revised, 1989, 329 § 3. (See 1989, 329 § 11.)
SECT. 2A repealed, 1989, 329 § 4. (See 1989, 329 § 11.)
SECT. 9 revised, 1989, 329 § 5. (See 1989, 329 § 11.)
SECT. 9A amended, 1989, 329 § 6. (See 1989, 329 § 11.)
SECT. 13 amended, 1989, 329 § 7. (See 1989, 329 § 11.)
SECT. 17 repealed, 329 § 8. (See 1989, 329 § 11.)
SECT. 18 repealed, 1989, 329 § 9. (See 1989, 329 § 11.)

Chapter 198. — Insolvent Estates Of Deceased Persons.

Chapter 199. — Settlement of Estates of Deceased Non-residents.

Chapter 199A. — General Provisions Regarding Certain Foreign Fiduciaries.

Chapter 200. — Settlement of Estates of Absentees.

Chapter 200A. — Abandoned Property.

Chapter 201. — Guardians and Conservators.

Chapter 201A. — Uniform Gifts to Minors Act.

(Title revised to UNIFORM TRANSFER TO MINORS ACT, 1987, 465 § 57.)

SECT. 1, definiton of "Court" revised, 1989, 341 § 89.

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.

Chapter 203. — Trusts.

Chapter 203A. — Uniform Common Trust Fund Act. (Former title, Collective Investment of Small Trust Funds.)

Chapter 204. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

Chapter 205. — Bonds of Executors, Administrators, Guardians, Conservators, Trustees, and Receivers.

Chapter 206. — Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

Chapter 207. — Marriage.

SECT. 20, sentence inserted after second sentence, 1989, 635.
SECT. 28A amended, 1989, 341 §§ 90, 91.
SECT. 39, paragraph added, 1989, 711 § 1.
SECT. 58 amended, 1989, 711 § 2.

Chapter 208. — Divorce.

SECT. 6B, first sentence revised, 1989, 623.

SECT. 11, first sentence revised, 1989, 341 § 92.
SECT. 18 amended, 1989, 341 § 93.
SECT. 31 revised, 1989, 689.
SECT. 34 revised, 1989, 287 § 59; sentence inserted after third sentence, 1989, 559. (See 1989, 287 § 74.)

Chapter 209. — Husband and Wife.

SECT. 1A added, 1989, 283.

Chapter 209A. — Abuse Prevention.

Chapter 209B. — Massachusetts Child Custody Jurisdiction Act.

Chapter 209C. — CHILDREN BORN OUT OF WEDLOCK.

SECT. 9, subsection (a) revised, 1989, 287 § 60; section amended, 1989, 341 § 94. (See 1989, 287 § 74.)

Chapter 210. — Adoption of Children and Change of Names.

SECT. 3, paragraph (b), sentence inserted after second sentence, 1989, 145.

Chapter 211. — The Supreme Judicial Court.

SECTS. 26-27 repealed, 1989, 341, s. 95.

Chapter 211A. — Appeals Court.

Chapter 211B. — Trial Court of the Commonwealth.

SECT. 10 amended, 1989, 341 § 96.
SECT. 17 stricken out, 1989, 341 § 97.
SECT. 18 added, 1989, 279.
SECT. 18 added, 1989, 341 § 97.

Chapter 211C. — Commission on Judicial Conduct.

Chapter 211D. — Committee for Public Counsel Services.

Chapter 212. — The Superior Court.

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.

Chapter 214. — Equity Jurisdiction. (Former title, Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts.)

Chapter 215. — Probate Courts.

Chapter 216. — Courts of Insolvency.

Chapter 217. — Judges and Registers of Probate and Insolvency.

SECT. 22A added, 1989, 400 § 5.

Chapter 218. — District Courts.

SECT. 21 paragraph added, 1989, 462 § 1.
SECT. 22, first sentence, first paragraph revised, 1989, 462 § 2.
SECT. 26 amended, 1989, 227 § 3.
SECT. 50, second paragraph revised, 1989, 482.

Chapter 219. — Trial Justices.

Chapter 220. — Courts and Naturalization.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Court.

SECT. 34E, paragraph added, 1989, 653 § 106. (See 1989, 653 § 241.)
SECT. 72 amended, 1989, 576.

Chapter 221A. — THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION ACT.

Chapter 221B. — CHILD SUPPORT HEARING OFFICERS.

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. 2, first paragraph revised, 1989, 274.

Chapter 223A. — Jurisdiction of Courts and of the Commonwealth over Persons in Other States and Counties.

Chapter 224. — Arrest on Mense Process and Supplementary Proceedings in Civil Actions.

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. 2, last sentence revised, 1989, 215 § 1.

SECT. 6B amended, 1989, 329 § 10. (See 1989, 329 § 11.)

Chapter 230. — Actions By and Against Executors and Administrators.

Chapter 231. — Pleading and Practice.

SECT. 59G added, 1989, 372 § 1. (See 1989, 372 § 3.)

SECT. 60G, paragraph (e) added, 1989, 240 § 124. (See 1989, 240 § 130.)

SECT. 85X added, 1989, 259. (See 1989, 259 § 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, second paragraph, sentence added, 1989, 270 § 2; sixth paragraph amended, 1989, 117 § 7; definition of "Psychotherapist" revised, 1989, 373.

Chapter 234. — Juries.

Chapter 234A. — Office Of Jury Commissioner For The Commonwealth.

Chapter 235. — Judgement and Execution.

Chapter 236. — Levy of Executions on Land.

Chapter 237. — Writs of Entry.

SECT. 38 amended, 1989, 341 § 98.

Chapter 238. — Writs of Dower.

Chapter 239. — Summary Process for Possession of Land.

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.

SECT. 6 added, 1989, 497.

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. 5B, paragraph inserted after first paragraph, 1989, 687 § 22. (See 1989, 687 § 25.)

SECT. 7 amended, 1989, 341 § 99.

Chapter 253. — Mills, Dams and Reservoirs.

Chapter 254. — Liens on Buildings and Land.

SECT. 5, first sentence revised, 1989, 341 § 100.

Chapter 255. — Mortgages, Conditional Sales and Pledges of Personal Property, and Liens Thereon.

SECT. 31F added, 1989, 659.

Chapter 255A. — Trust Receipts and Pledges without Possession in the Pledgee.

Chapter 255B. — Retail Installment Sales of Motor Vehicles.

SECT. 2, first sentence revised, 1989, 602 § 2.

Chapter 255C. — Insurance Premium Finance Agencies.

SECT. 2 amended, 1989, 602 § 3.

SECT. 21, first sentence revised, 1989, 202.

Chapter 255D. — Retail Installment Sales and Services.

SECT. 2, first sentence revised, 1989, 602 § 4.
SECT. 18A revised, 1989, 412.

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. 4, second paragraph amended, 1989, 161.

Chapter 258A. — Compensation of Victims of Violent Crimes.

Chapter 258B. — Rights of Victims and Witnesses of Crime.

SECT. 3, clause (l) added, 233 § 1.
SECT. 8, first paragraph revised, 1989, 362 § 1.
SECT. 9, second sentence revised, 1989, 362 § 2.

Chapter 259. — Prevention of Frauds and Perjuries.

Chapter 260. — Limitation of Actions.

SECT. 10, paragraph added, 1989, 215 § 2.

Chapter 261. — Costs in Civil Actions.

Chapter 262. — Fees of Certain Officers.

SECT. 24 revised, 1989, 305.
SECT. 35 amended, 1989, 711 §§ 3, 4; three sentences added, 1989, 711 § 5.

Chapter 263. — Rights of Persons Accused of Crime.

Chapter 264. — Crimes against Governments.

Chapter 265. — Crimes against the Person.

SECT. 13I amended, 1989, 464.
SECT. 40 added, 1989, 244.
SECT. 40 added, 1989, 363 § 1. (See 1989, 363 § 2.)

Chapter 266. — Crimes Against Property.

SECT. 18 amended, 1989, 490.
SECT. 27A, first paragraph revised, 1989, 334.
SECT. 28, subdivision (a), second paragraph amended, 1989, 341 § 101.

SECT. 127A amended, 1989, 121 § 1; paragraph inserted, 121 § 2.

Chapter 267. — Forgery and Crimes against the Currency.

Chapter 268. — Crimes against Public Justice.

SECT. 14B added, 1989, 233 § 2.
SECT. 15A added, 1989, 431.
SECT. 16 amended, 1989, 313 § 2.
SECT. 32, first paragraph revised, 1989, 513.

Chapter 268A. — Conduct of Public Officials and Employees. (Former title, Code of Ethics.)

SECT. 1 amended, 1989, 289.
SECT. 20 amended, 1989, 262 § 2; 262 § 3.

Chapter 268B. — Financial Disclosure by certain Public Officials and Employees.

Chapter 269. — Crimes Against Public Peace.

SECT. 10, paragraph (j) revised, 1989, 648.
SECT. 10A, first sentence stricken out, two sentences inserted, 1989, 509.

Chapter 270. — Crimes Against Public Health.

SECT. 16, paragraph inserted after first paragraph, 1989, 429.

Chapter 271. — Crimes against Public Policy.

Chapter 272. — Crimes against Chastity, Morality, Decency and Good Order.

SECT. 77 amended, 1989, 534.
SECT. 77B, second sentence revised, 1989, 253.
SECT. 92A, first paragraph revised, 1989, 516 § 15.
SECT. 98 revised, 1989, 516 § 16.

Chapter 273. — Desertion, Non-support and Illegitimacy.

Chapter 273A. — Uniform Reciprocal Enforcement Of Support. (Former title, Enforcement of the Duty to Support Dependents.)

Chapter 274. — Felonies, Accessories and Attempts to Commit Crimes.

Chapter 275. — Proceedings to Prevent Crimes.

Chapter 276. — Search Warrents, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Board of Probation.

SECT. 42 revised, 1989, 664 § 2.
SECT. 67 revised, 1989, 212.

Chapter 276A. — District Court Pretrial Diversion of Selected Offenders.

Chapter 277. — Indictments and Proceedings before Trial.

Chapter 278. — Trials and Proceedings before Judgment.

Chapter 279. — Judgment and Execution.

SECT. 1 amended, 1989, 207.

Chapter 280. — Fines and Forfeitures.

SECT. 6B, first paragraph revised, 1989, 653 § 107.

Chapter 281. — The General Laws And Their Effect.